FEDERAL REGISTER

VOLUME 7 NUMBER 87

Washington, Tuesday, May 5, 1942

The President

EXECUTIVE ORDER 9153

AMENDING EXECUTIVE ORDER NO. 8950 OF NOVEMBER 26, 1941, ESTABLISHING AN AIRSPACE RESERVATION OVER A PORTION OF THE DISTRICT OF COLUMBIA

By virtue of and pursuant to the authority vested in me by section 4 of the Air Commerce Act of 1926 (44 Stat. 570), it is ordered that the boundaries of the airspace reservation over a portion of the District of Columbia described in Executive Order No. 8950 of November 26, 1941,[1] be, and they are hereby, amended to read as follows:

"All that area within the City of Washington, D. C., lying within the following-described boundary:

Beginning at the eastern end of the Arlington Memorial Bridge (Lat. 38°53'19" N.; Long. 77°3'9" W.) (also identifiable as a point adjacent to the Lincoln Memorial Monument); thence north along the eastern bank of the Georgetown Channel of the Potomac River to the eastern end of the Key Bridge (Lat. 38°54'14" N.; Long. 77°04'15" W.);

thence a distance of approximately 0.3 miles on a true bearing of 307° to Georgetown University (Lat. 38°54'25" N.; Long. 77°04'28" W.) (identifiable by the Astronomical Observatory situated within the University Grounds);

thence a distance of approximately 1.7 miles on a true bearing of 6° to the National Cathedral (Lat. 38°55'52" N.; Long. 77°04'17" W.) (identifiable by the spires);

thence a distance of approximately 3.4 miles on a true bearing of 78° to the Scott Building of the Soldiers' Home (Lat. 38°56'31" N.; Long. 77°00'41" W.) (identifiable by the clock cupola above the roof of such building);

thence a distance of approximately 3.1 miles on a bearing of 175° true to the center of the Union Station (Lat. 38°53'49" N.; Long. 77°00'23" W.) (identifiable by the south southwest terminal of the railroad tracks);

thence a distance of 0.4 miles on a true bearing of 120° to the center of Stanton Square (Lat. 38°53'36" N.; Long. 77°00'00" W.) (identifiable as the conjunction of Massachusetts Avenue, Maryland Avenue, and 4th, 5th, and 6th Streets Northeast, with such Square);

thence a distance of approximately 0.8 of a mile on a true bearing of approximately 208° to the intersection of the centerlines of New Jersey Avenue, North Carolina Avenue, and E Street Southeast (Lat. 38°53'00" N.; Long. 77°00'24" W.) (identifiable as a point adjacent to the smokestack of the Capitol power house);

thence a distance of approximately 1.4 miles on a true bearing of approximately 268° to the center of the railroad bridge over the channel of water connecting the Tidal Basin and the Washington Channel (Lat. 38°52'58" N.; Long. 77°01'57" W.); and

thence a distance of approximately 1.1 miles on a true bearing of approximately 291° to the point of beginning."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 30, 1942.

[F. R. Doc. 42-3939; Filed, May 1, 1942; 3:38 p. m.]

[1] 6 F.R. 6101.

EXECUTIVE ORDER 9154

AUTHORIZING CERTAIN EXCLUSIONS FROM THE OPERATION OF THE CIVIL SERVICE RETIREMENT ACT OF MAY 29, 1930, AS AMENDED

By virtue of and pursuant to the authority vested in me by section 3 (b) of the Civil Service Retirement Act of May 29, 1930 (46 Stat. 468), as amended by the act of January 24, 1942 (Public Law 411, 77th Congress), it is hereby ordered as follows:

1. Employees in the following classifications of Federal personnel in the Executive branch of the Government are hereby excluded from the operation of the said Retirement Act, unless eligible for retirement benefits by continuity of service, by reinstatement, or otherwise:

(a) Employees whose expected service will be for brief periods but not to exceed one year.

(b) Employees paid by the hour, day, month, or year when actually employed, whose employment is periodic, part-time, or recurrent and for whom a regular tour of duty is not contemplated.

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FEDERAL REGISTER

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(c) Employees and consultants paid on a contract or fee basis.

(d) Employees paid on a piece-work basis, except when serving under regular or permanent appointment.

(e) Cooperative employees not wholly under the control of the Federal Government and not otherwise subject to the Civil Service Retirement Act.

(f) Officers and employees without compensation or with nominal compensation of $12.00 or less per annum.

(g) Intermittent alien employees engaged on work outside the continental limits of the United States.

(h) Member and patient employees in government hospitals or homes.

(i) Employees serving under temporary appointments pending final determination of their eligibility for permanent or indefinite appointment.

(j) Acting postmasters, clerks in fourth class post offices, substitute rural carriers, and special delivery messengers at second, third, and fourth class post offices.

2. The Civil Service Commission is authorized to determine the applicability of the above classifications to specific

officers and employees or groups of officers and employees in the Executive branch of the Government.

3. This order shall be effective as of January 24, 1942, except that it shall not be so construed as to defeat any retirement rights of officers and employees acquired before the date of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 1, 1942.

[F. R. Doc. 42-3970; Filed, May 2, 1942; 11:55 a. m.]

EXECUTIVE ORDER 9155

APPROVING REGULATIONS OF THE CIVIL SERVICE COMMISSION RELATING TO EFFICIENCY-RATING BOARDS OF REVIEW

By virtue of the authority vested in me by section 9 of the Classification Act of 1923 (42 Stat. 1490), as amended by Title V of the Act of June 30, 1932 (47 Stat. 416), by section 7 Title II of the Act of November 26, 1940 (54 Stat. 1215), and by section 3 of the Act of August 1, 1941, Public No. 200, 77th Congress, I hereby approve the following regulations prescribed by the Civil Service Commission:

REGULATIONS RELATING TO EFFICIENCY RATING BOARDS OF REVIEW

Pursuant to the authority vested in the Civil Service Commission by section 9 of the Classification Act of 1923 (42 Stat. 1490), as amended by Title V of the Act of June 30, 1932 (47 Stat. 416), by section 7, Title II of the Act of November 26, 1940 (54 Stat. 1215), and by section 3 of the Act of August 1, 1941, Public No. 200, 77th Congress, the following regulations are hereby prescribed with respect to efficiency-rating boards of review:

1. There shall be established in each department and independent establishment having positions and employees subject to section 9 of the Classification Act of 1923, as amended, one or more boards of review for the purpose of considering and passing upon the merits of efficiency ratings assigned to such employees.

2. The head of each department or independent establishment shall determine the number and jurisdiction of boards of review to be established within his department or establishment, subject to the approval of the Civil Service Commission. The jurisdiction of each board of review shall be specific and shall be exclusive of that of any other such board.

3. (a) Each board of review shall be composed of three members, and there shall be an alternate member provided for each principal member who shall serve during the absence of such principal member or when the principal member is unable to serve for any other reason and who shall succeed the principal member in the event that he is unable to serve to the end of his term of office. Where necessary in the interest of good administration, and in order to expedite the consideration of cases, an additional alternate member may be designated for each principal member. Members of boards of review and alternate members shall be appointed or designated for one-year terms.

(b) One member of each board of review and alternates to such member shall be designated by the head of the department or establishment served by such board.

(c) Another member of each board of review and alternates to such member shall be designated by election by the employees whose efficiency ratings are under the jurisdiction of the board in such manner as shall be determined by the Civil Service Commission.

(d) Chairmen and alternate chairmen for the boards of review shall be designated by the Civil Service Commission.

(e) All members of boards of review and all alternate members shall be officers or employees of the executive branch of the Federal government; provided however, that in the case of boards of review serving agencies not in the executive branch, such members and alternate members (except chairmen and alternate chairmen) shall be appointed or elected from the branch of government to which such agencies respectively belong.

4. Each appeal from an efficiency rating shall be submitted in writing to the chairman of the appropriate board of review within ninety days of the date that notice of such rating was delivered to the employee. Boards of review may waive this requirement for good and sufficient reasons, as in cases (a) where it appears that appellants were not in a position to make an appeal within the ninety-day period, (b) where employees elected to avail themselves of the grievance procedures in their own departments or establishments before proceeding with appeals under these regulations, or (c) where new evidence is discovered after the close of the ninety-day period which would have a bearing on the decision concerning the appeal. On the request of the Civil Service Commission, certified in writing, efficiency ratings which require the dismissal, demotion, or reduction in salary of employees subject to the approval of the Civil Service Commission under section 9 of the Classification Act of 1923 as amended shall be considered by boards of review in the same manner as if appealed by such employees.

5. Hearings conducted on efficiency-rating appeals and certified cases shall be on as informal a basis as possible and yet permit the presentation of all information necessary to ascertain the correctness of the rating in question or the rating which should be assigned the employee. An oral hearing may be waived by the appellant, or employee whose rating is certified for review, and the board of review may thereupon proceed to a consideration of the case on the basis of written evidence submitted by the parties. Stenographic reports of oral hearings shall be required only when it is determined by the unanimous vote of the board that they are necessary to the best interests of the Government and employee. In all proceedings before boards of review, each employee whose efficiency rating is under consideration shall be entitled to have a representative of his own selection; and at oral hearings each appellant or employee whose rating is certified for review shall be entitled to appear with his representative. The appellant, or employee whose rating is certified for review, and his representative, and such representatives of the department or establishment as are designated by the head thereof, shall be afforded an opportunity to submit orally or in writing any information deemed by the board of review to be pertinent to the case, and shall be afforded an opportunity to hear or examine, and to reply to, information submitted to such board by other parties.

6. After ascertaining the pertinent facts in each case, the board of review shall proceed to determine such adjustment in the efficiency rating as it deems proper, or sustain the efficiency rating appealed from without change. Decisions shall be made by a majority vote. Notices of decisions of boards of review shall be communicated to the heads of the departments or independent establishments and to the appellants, and employees whose ratings are certified for review, in writing and shall contain summary statements of the facts on which the decisions are based. Copies of the decisions of the boards shall also be forwarded to the Civil Service Commission.

7. These regulations will supersede the regulations in Executive Order No. 8748 of May 1, 1941,[1] and shall become effective on July 1, 1942.

H. B. MITCHELL,
LUCILLE FOSTER MCMILLIN,
ARTHUR S. FLEMING,
Commissioners.

THE WHITE HOUSE,
May 1, 1942

FRANKLIN D ROOSEVELT

[F. R. Doc. 42-4004; Filed, May 4, 1942; 11:42 a. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 22—THE FEDERAL LAND BANK OF BALTIMORE

APPLICATION FEES

Section 22.1 of Title 6, Code of Federal Regulations is amended to read as follows:

§ 22.1 *Application fees.* At the time of the filing of each application for a loan from The Federal Land Bank of Baltimore or from the Land Bank Commissioner, and at the time of the filing of each application for joint loans from The Federal Land Bank of Baltimore and the Land Bank Commissioner, the applicant shall be required to pay a bank appraisal fee of $10.00. If the applicant does not reside within the Second Farm Credit

[1] 6 F.R. 2251.

District and it becomes necessary to make a credit investigation through a Federal Land Bank of another district, the applicant shall be required to pay, at the time of the filing of this application, an additional fee of $7.50. An additional fee of $10.00 shall be charged and collected from the applicant for each reappraisal of the property made at his request. If the application is withdrawn or canceled before any expense of appraisal or investigation has been incurred, the appraisal and investigation fees paid by the applicant shall be returned to him.

If the application is for a direct loan from the bank, or for a Land Bank Commissioner loan, the applicant, at the time of the filing of the application, shall be required to pay, in addition to the fees prescribed in the foregoing paragraph hereof, a service fee of $1.00 to cover the cost of handling the application and this fee shall not be returned to the applicant, but shall be retained by the bank regardless of whether the application is approved, rejected, canceled or withdrawn. (Sec. 13 "Ninth", 39 Stat. 372, Sec. 26, 48 Stat. 44, Sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup.; 6 CFR 19, 4019) (Res. Ex. Com. December 20, 1935)

[SEAL] THE FEDERAL LAND BANK OF BALTIMORE,
E. P. CRIDER,
Vice-President.

[F. R. Doc. 42-3955; Filed, May 2, 1942; 11:32 a. m.]

PART 22—THE FEDERAL LAND BANK OF BALTIMORE

LOAN FEES

Section 22.2 (b) of Title 6, Code of Federal Regulations is amended to read as follows:

§ 22.2 *Loan fees.*

* * * * *

(b) *Title determination fees.* If the application is approved and a loan is made by The Federal Land Bank of Baltimore or the Land Bank Commissioner, or joint loans are made by the Bank and the Commissioner, the borrower shall be required to pay for the purpose of covering cost of determination of title:

$5.00 if the loan is closed for the amount of $1,000.00, or less.

An additional $3.00 for each additional $1,000.00, or portion thereof, up to $10,000.00.

An additional $2.00 for each $1,000.00 or portion thereof, in excess of $10,000.00 up to $25,000.00.

An additional $1.00 for each additional $1,000.00, or portion thereof, in excess of $25,000.00.

In addition to the foregoing amounts, if the borrower furnishes a short term abstract, he shall be required to pay a fee of 25¢ for each $100.00, or fraction thereof, of the loan or loans. If such a fee has been paid on a loan which is being paid through the making of a new loan, the fee on the new loan shall be computed in accordance with § 19.4009 and § 19.4022 of this chapter. In all other cases the fee shall be computed on the basis of the total principal amount of the loan or loans closed. If the borrower furnishes a long term abstract he shall be required to pay a flat fee of $20.00. At the option of the borrower a long-term abstract may be treated as a short-term abstract. The borrower shall not be required to pay the fees provided for in this paragraph if, in lieu of an abstract of title, a policy of insurance is furnished and accepted.

All of the loan fees shall be collected at the time of the closing of the loan, or prior thereto, and such fees shall be in addition to the application fees as set out in § 22.1. (Sec. 13 "Ninth", 39 Stat. 372, Sec. 26, 48 Stat. 44, Sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup.; 6 CFR 19.4019) (Res. Ex. Com., December 20, 1935; Res. Ex. Com., July 2, 1937, as amended; Res. Bd. Dir., December 21, 1938; Res. Ex. Com., February 13, 1942)

[SEAL] THE FEDERAL LAND BANK OF BALTIMORE,
E. P. CRIDER,
Vice-President.

[F. R. Doc. 42-3957; Filed, May 2, 1942; 11:33 a. m.]

PART 22—THE FEDERAL LAND BANK OF BALTIMORE

LIQUIDATION OR PREPAYMENT FEES

Section 22.6 of Title 6, Code of Federal Regulations is amended to read as follows:

§ 22.6 *Liquidation or prepayment fees.* Prepayment fees shall be charged only when a borrower makes prepayment of all or a portion of a Federal Land Bank loan from funds borrowed from other sources and in such cases the fees shall be as follows:

(a) Two percentum (2%) of the amount prepaid if the payment is received within one year after the date of the note evidencing the loan.

(b) One percentum (1%) of the amount prepaid if the payment is received more than one year and less than two years after the date of the note evidencing the loan.

(c) One-half of one percentum (½ of 1%) of the amount prepaid if the payment is received more than two years and less than three years after the date of the note evidencing the loan.

(Sec. 12 "Second", 39 Stat. 370, as amended; 12 U.S.C. 771 "Second"; 6 CFR 10.386) (Res. Ex. Com. February 13, 1942)

[SEAL] THE FEDERAL LAND BANK OF BALTIMORE,
E. P. CRIDER,
Vice-President.

[F. R. Doc. 42-3956; Filed, May 2, 1942; 11:32 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B.E.P.Q. 503, 4th Rev., Sup. 1]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE ADMINISTRATIVE INSTRUCTIONS MODIFIED; TREATMENTS AUTHORIZED

Introductory note. Further investigational work has shown that it is possible to kill all stages of the white-fringed beetle by methyl bromide fumigation under partial vacuum applied at a modified dosage or at a modified temperature under the dosage heretofore authorized. This work has also shown the practicability of applying these treatments to soil masses up to 16 inches in diameter, instead of the maximum 11-inch diameter required heretofore. The instructions in B.E.P.Q. 503, fourth revision, which became effective January 9, 1942, are modified accordingly.

The description as to the size requirements fo the soil masses has been somewhat reworded for the purpose of clarification.

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (*a*) of § 301.72-5, Chapter III, Title 7, Code of Federal Regulations [Regulation 5 of Notice of Quarantine No. 72 on account of the white-fringed beetle], subparagraph (2) of paragraph (a) of § 301.72-5c [page 2 of the mimeographed edition of circular B.E.P.Q. 503, fourth revision] is hereby modified effective May 6, 1942, to read as follows:

§ 301.72-5c *Administrative instructions; treatments authorized.*[1] * * *

(a) *Methyl bromide fumigation at atmospheric pressures.*

* * * * *

(2) *Methyl bromide fumigation under partial vacuum.* (i) Fumigation under partial vacuum equivalent to at least 24.5 inches of mercury may be done with a dosage of either 4 pounds methyl bromide per 1,000 cubic feet, including the space occupied by the commodity, with an exposure of 1½ hours at a temperature of 70° F.; or a dosage of 3 pounds of methyl bromide per 1,000 cubic feet for a period of 1½ hours at a temperature of 75° F. In either case the vacuum shall be maintained during the entire period.

(ii) The soil masses shall have a diameter of not more than 16 inches if spherical, or if not spherical the masses or pots shall be of such size that no point within them will be more than 8 inches from the nearest point on the surface.

(iii) The soil shall not be wet but shall be in condition satisfactory to the inspector when treatment is applied.

(iv) The fumigant-air mixture shall be circulated in the fumigation chamber by means of a fan the first 15 minutes of the exposure period to mix the vaporized fumigant thoroughly with the

[1] Superseding §§ 301.72-5a and b.

air in the chamber and bring it in contact with the surface of the soil balls. The soil balls shall be washed with one or more changes of air at the end of the exposure period.

(v) A standard vacuum fumigation chamber which can be closed tight and will withstand an external pressure of at least one atmosphere is required. A vacuum pump of sufficient capacity to reduce the pressure within the vacuum chamber to the equivalent of 3 inches of mercury (a 27-inch vacuum at sea level) in not more than 20 minutes is necessary. (7 CFR, § 301.72–5; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 29th day of April 1942.

[SEAL] P. N. ANNAND, *Chief.*

[F. R. Doc. 42-3999; Filed, May 4, 1942; 10:46 a. m.]

Chapter VII—Agricultural Adjustment Agency

[MQ-603—Wheat]

PART 728—REGULATIONS PERTAINING TO WHEAT MARKETING QUOTAS FOR THE 1942 CROP OF WHEAT

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By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31; 7 U.S.C. 1940 ed. 1301 *et seq.*), as amended, and Public Law No. 74, 77th Congress, approved May 26, 1941, 55 Stat. 203, as amended by Public Laws Nos. 374 and 384, 77th Congress, approved December 26, 1941, 55 Stat. 860, 872, public notice is hereby given of the following regulations governing wheat marketing quotas for the 1942 crop of wheat, which regulations shall be in force and effect until rescinded or suspended or amended or superseded by regulations hereafter made under the law.[1]

DEFINITIONS AND ISSUANCE OF FORMS AND INSTRUCTIONS

§ 728.321 *Issuance of forms and instructions and definitions*—(a) *Issuance of forms and instructions.* The Administrator of the Agricultural Conservation and Adjustment Administration shall cause to be prepared and issued with his approval such instructions and such forms as may be required to carry out these regulations. Copies of forms and instructions shall be furnished free to persons needing them upon request made to the Administrator or to the office of the county committee.

(b) *Definitions.* As used in the regulations in this part and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural:

(1) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto, including Public Law No. 74, 77th Congress, approved May 26, 1941, and Public Laws Nos. 374 and 384, 77th Congress, approved December 26, 1941.

(2) "Secretary of Agriculture" means the Secretary or Acting Secretary of Agriculture of the United States.

(3) "Administrator" means the Administrator or Acting Administrator of the Agricultural Conservation and Adjustment Administration of the United States Department of Agriculture.

(4) "Agricultural Adjustment Agency" means that part of the Agricultural Conservation and Adjustment Administration which was formerly called the Agricultural Adjustment Administration and which is in charge of the administration of programs under sections 7 to 17 inclusive of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended (hereinafter referred to as the Soil Conservation and Domestic Allotment Act) and of marketing quotas and certain other programs carried out under the Agricultural Adjustment Act of 1938 and related legislation.

(5) "Chief" means the Chief of the Agricultural Adjustment Agency.

(6) "Regional Director" means the Director or Acting Director of the division of the Agricultural Adjustment Agency for the particular region.

(7) "Western Region" means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(8) "North Central Region" means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(9) "Southern Region" means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(10) "East Central Region" means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(11) "Northeast Region" means the area included in the States of Connecticut, Maine, Massachusetts, New Hamp-

[1] Unless otherwise indicated, all references in the text to sections relate to sections of the regulations in this part. All section references at the end of sections relate to sections of the Agricultural Adjustment Act of 1938, as amended, and all paragraph references at the end of sections relate to Public Law No. 74, 77th Congress, approved May 26, 1941, 55 Stat. 203, as amended by Public Law No. 374, 77th Congress, approved December 26, 1941, 55 Stat. 860, and as amended by Public Law No. 384, 77th Congress, approved December 26, 1941, 55 Stat. 872.

shire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(12) "State committee" means the group of persons comprising the State Agricultural Conservation Committee appointed by the Secretary of Agriculture to assist within any State in the administration of the Soil Conservation and Domestic Allotment Act.

(13) "Committee" means a committee within a county or community utilized under the Soil Conservation and Domestic Allotment Act. "County committee," "community committee," or "local committee" shall have corresponding meanings in the connection in which they are used.

(14) "Treasurer of the county committee" means the treasurer of the county agricultural conservation association or the treasurer of the county committee, as the case may be.

(15) "Review committee" means the review committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in the Act.

(16) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision. The term "person" shall include two or more persons having a joint or common interest.

(17) "Landlord or owner" means a person who owns land.

(18) "Tenant" means a person other than a sharecropper who rents land from another person whether or not he rents such land or part thereof to another person.

(19) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(20) "Operator" means a person who as owner, landlord, or tenant is operating a farm.

(21) "Producer or farmer" means a person who as owner, landlord, tenant, or sharecropper is entitled to all or a share of the 1942 wheat crop or of the proceeds thereof.

(22) "Buyer" means a person who buys wheat.

(23) "Transferee" means a person who acquires wheat from a producer or any other person by barter, exchange, or gift.

(24) "Intermediate buyer" means any buyer or transferee who purchases or acquires any wheat prior to the time the wheat so purchased or acquired has been marketed either (i) to a warehouseman, elevator operator, feeder, or other processor, or (ii) to any other grain dealer who the county or State committee finds conducts his business in a manner substantially the same as a warehouseman or elevator operator.

(25) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Administrator, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling on the farm is situated or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(26) "Non-allotment farm" means any farm (i) for which no farm acreage allotment is determined, (ii) for which a farm acreage allotment of 15 acres or less is determined and the planted wheat acreage plus any acreage of volunteer wheat which reaches maturity exceeds the allotment by ten percent or more, (iii) in the East Central and Southern Regions, except Texas and Oklahoma, which is subject to marketing quotas and on which the acreage of wheat harvested for grain or for any other purpose exceeds the farm acreage allotment or 15 acres, whichever is the larger, but on which the acreage of wheat so harvested is not in excess of three acres per family living on the farm and having an interest in the wheat crop grown thereon, (iv) for which a farm acreage allotment of more than 15 acres is determined and on which wheat is normally planted for green manure, hay, or pasture, or on which wheat for the 1942 crop will be planted for such use and the county committee, in accordance with instructions of the Administrator, approves the classification of the farm as a non-allotment farm, or (v) on which wheat was not planted for any of the 1939, 1940, or 1941 wheat crops.

(27) "Allotment farm" means any farm other than a non-allotment farm.

(28) "Farm acreage allotment" means a wheat acreage allotment established for a farm under § 728.325.

(29) "Acreage of wheat" means in the case of a wheat allotment farm the acreage planted to wheat plus any acreage of volunteer (self-seeded wheat) which reaches maturity; in the case of a non-allotment farm any wheat acreage harvested as grain in any manner after reaching maturity.

An acreage seeded in a mixture which it is determined, in accordance with instructions of the Administrator, may reasonably be expected to produce a crop containing such a proportion of plants other than wheat that the crop cannot be harvested as wheat for grain or seed will not be classified as acreage of wheat: *Provided,* That the acreage seeded to a mixture shall be classified as an acreage of wheat if the wheat reaches maturity and the plants other than wheat fail to reach maturity.

Acreage planted to wheat will not be considered as an acreage of wheat for the farm to the extent that (i) it has been totally destroyed by any cause beyond the control of the producer and cannot be reseeded and (ii) an additional acreage of wheat, subsequently seeded with prior approval of the county committee, or an acreage of volunteer wheat, with approval of county committee, or both, is substituted for the destroyed acreage.

(30) "Excess wheat acreage" means an acreage of wheat determined for the farm under § 728.333 or § 728.370, whichever is applicable.

(31) "Normal yield" means the number of bushels of wheat established as the normal yield per acre for the farm under § 728.326.

(32) "Actual yield" means the number of bushels of wheat determined by dividing the number of bushels of wheat produced on the farm in 1942 by the 1942 acreage of wheat on the farm.

(33) "Normal production" of any number of acres means the normal yield per acre of wheat for the farm times such number of acres.

(34) "Actual production" of any number of acres means the actual yield of wheat per acre for the farm times such number of acres.

(35) "Farm marketing quota" means the wheat marketing quota established under the Act for the farm for the 1942 crop.

(36) "Farm marketing excess" means the amount of wheat determined for any farm under §§ 728.333, 728.335, or 728.370, whichever is applicable.

(37) "Marketing year" means the period beginning July 1, 1942, and ending June 30, 1943, both dates inclusive.

(38) "Market" means to dispose of wheat, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or are to be disposed of, except wheat as a premium to the Federal Crop Insurance Corporation.

(i) The term "sale" means any transfer of title to wheat by a producer by any means other than barter, exchange, or gift.

(ii) The terms "barter" and "exchange" mean transfer of title of wheat by a producer in return for wheat or any other commodity, service, or property, in cases where the value of the wheat or such other commodity, service or property is not considered in terms of money, or the transfer of title to wheat by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of wheat in lieu of a cash charge for harvesting or milling wheat (commonly called "toll wheat").

(iii) The term "gift" means any transfer of title to wheat accompanied by delivery of the wheat by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed," "marketing," and "for market" shall have meanings corresponding to the term "market" in the connection in which they are used.

(39) "Penalty" means the penalty provided in paragraph 2 of Public Law No. 74. (Sec. 375, 52 Stat. 66, 7 U.S.C. 1375)

ALLOTMENTS AND YIELDS

§ 728.322 *National acreage allotment.* The national acreage allotment of wheat for the 1942 crop of wheat was determined by the Secretary of Agriculture to be 55,000,000 acres, as published in the FEDERAL REGISTER on May 22, 1941, Vol. 6, p. 2519 (daily edition). The national acreage allotment for the 1942 crop of wheat is the acreage which the Secretary of Agriculture so determined would, on the basis of the national average yield of wheat, produce an amount of wheat adequate, together with the estimated carry-over on July 1, 1942, to make available a supply for the marketing year beginning July 1, 1942, equal to a normal year's domestic consumption and exports plus 30 percentum thereof. National average yield of wheat is the national average yield per acre of wheat during the ten calendar years 1931–40, adjusted for abnormal weather conditions and for trends in yields. Carry-over of wheat for the 1942–43 marketing year is the quantity of wheat on hand in the United States on July 1, 1942, not including any wheat which was produced in the United States in 1942, and not including any wheat held by the Federal Crop Insurance Corporation. Normal year's domestic consumption of wheat is the yearly average quantity of wheat, wherever produced, that was consumed in the United States during the ten marketing years 1929–30 to 1938–39, adjusted for current trends of such consumption. Normal year's exports of wheat is the yearly average quantity of wheat produced in the United States that was exported from the United States during the ten marketing years 1929–30 to 1938–39, adjusted for current trends in such exports. (Sec. 333, 52 Stat. 53, 775, 53 Stat. 1125, 7 U.S.C. 1333)

§728.323 *State acreage allotments.* The national acreage allotment of wheat for the 1942 crop was apportioned among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1931–1940 (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period. The State acreage allotments for the 1942 crop of wheat were determined by the Secretary of Agriculture, as published in the FEDERAL REGISTER on June 10, 1941, Vol. 6, p. 2778 (daily edition). (Sec. 334 (a), 52 Stat. 53, 7 U.S.C. 1334 (a))

§ 728.324 *County acreage allotments.* Each State acreage allotment for the 1942 crop of wheat was apportioned by the Secretary of Agriculture among the counties in the State on the basis of the acreage seeded for the production of wheat during the ten calendar years 1931–40 (plus in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices. (Sec. 334 (b), 52 Stat. 54, 203, 7 U.S.C. 1334 (b))

§ 728.325 *Farm acreage allotments.* Each county acreage allotment for the 1942 crop of wheat was apportioned by the Secretary of Agriculture, through the county committees, among the farms within the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 percent of such county allotment was apportioned to farms on which wheat had not been planted for the 1939, 1940, or 1941 crop. (Sec. 334 (c), 52 Stat. 54, 7 U.S.C. 1334 (c))

§ 728.326 *Normal yields*—(a) *Farms for which normal yields were determined.* The Secretary of Agriculture, through the local committees in each county determined the normal yield per acre of wheat for each farm on which wheat was planted for the 1942 crop.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield of wheat per acre for all of the ten years 1931–1940 were presented by the farmer or were available to the county committee, the normal yield per acre of wheat for the farm was determined to be the average of such yields, adjusted for abnormal weather conditions and trends in yields.

(c) *Appraised yields.* If for any year of the 10-year period 1931–1940 (1) records of the actual average yield were not available, or (2) there was no actual yield, the normal yield per acre of wheat for the farm was appraised by the county committee, taking into consideration abnormal weather conditions, the normal yield for the county, and the yields in years for which data were available. The appraised yields so obtained were adjusted in accordance with paragraph (d) of this section.

(d) *Adjustments in appraised yields.* The yields determined under paragraph (c) were adjusted so that the average of the normal yields per acre of wheat determined for all farms in the county (weighted by the wheat acreage allotments established for such farms) was not in excess of the county normal yield per acre of wheat established for 1942 by the Secretary of Agriculture as published in the FEDERAL REGISTER on January 3, 1942, Volume 7, p. 66 (daily edition). (Sec. 301 (b) (13) (A) and (E), 52 Stat. 41, 42, 202, 54 Stat. 727, 1211, 7 U.S.C. 1301 (b))

§ 728.327 *Applicability of detailed instructions.* The detailed instructions for carrying out the provisions of §§ 728.322 through 728.326 are contained in the following documents:

"Regulations Pertaining to Farm Acreage Allotments and Normal Yields for the 1942 Crop of Wheat (as revised)," issued by the Secretary of Agriculture, published in the FEDERAL REGISTER on August 8, 1941, Vol. 6, p. 5961 (daily edition).

"County Procedure for 1942 Farm Wheat Yields," form FCI–201–W, issued February, 1941, by the Agricultural Adjustment Administration (now the Agricultural Adjustment Agency of the Agricultural Conservation and Adjustment Administration).

East Central Region: ECR–537, "1942 Wheat Allotment Procedure."

North Central Region: NCR–610–W, "Instructions for Determining Wheat Acreage Allotments for 1942."

Northeast Region: NER–601, "Procedure for Determining 1942 Wheat Acreage Allotments and Yields."

Southern Region: Wheat 608, Part I–SR, "Instructions for Determining 1942 Farm Wheat Acreage Allotments and Normal Yields."

Western Region: WR–601, "County Office Procedure for Determining 1942 Farm Wheat Acreage Allotments and for Preparation of Notices of Allotment to Farmers and for the Handling of Appeals." (Sec. 375, 52 Stat. 66, 7 U.S.C. 1375)

IDENTIFICATION AND MEASUREMENTS OF FARMS

§ 728.328 *Identification of farms.* Each farm as operated for the 1942 crop of wheat shall be identified by a farm serial number, assigned by the county committee, which shall not be changed, and all records pertaining to marketing quotas for the 1942 crop of wheat shall be identified by the farm serial number. (Sec. 374, 52 Stat. 65, 7 U.S.C. 1374)

§ 728.329 *Measurements of farms.* The county committee shall provide for measuring each wheat farm in the county in accordance with the procedure approved for use by the Agricultural Adjustment Agency. (Sec. 374, 52 Stat. 65, 7 U.S.C. 1374)

§ 728.330 *Reports and records of farm measurements.* A record shall be kept of the measurements made on all farms and there shall be filed with the State committee a written report setting forth for each farm for which a farm marketing excess is determined and for which the wheat produced thereon is not exempt from penalty (1) the farm serial number, (2) the name of the operator, (3) the total acreage in cultivation, (4) the farm acreage allotment, and (5) the acreage of wheat. (Sec. 374, 52 Stat. 65, 7 U.S.C. 1374)

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 728.331 *Marketing quotas in effect.* Marketing quotas for the 1942 crop of wheat shall be applicable to any wheat of that crop notwithstanding that it may be available for market prior to the beginning of the marketing year or subsequent to the end of the marketing year. (Sec. 335 (a), 52 Stat. 54, 7 U.S.C. 1335 (a); par. 1)

§ 728.332 *Farm marketing quota.* The farm marketing quota for any farm for the 1942 crop of wheat shall be that number of bushels of wheat produced less the amount of the farm marketing excess for the farm. (Sec. 335 (a), 52 Stat. 54, 53 Stat. 112, 7 U.S.C. 1335 (c); par. 1)

§ 728.333 *Farm marketing excess*—(a) *Where measurements are made.* The farm marketing excess for the 1942 crop of wheat for any allotment farm shall be the normal production of the

acreage of wheat on the farm in excess of the farm acreage allotment therefor. Where, upon application of the producer in accordance with § 728.335, it is established by the producer that the normal production of the excess acreage is larger than the amount by which the actual production of wheat in 1942 on the farm exceeds the normal production of the farm acreage allotment therefor, the farm marketing excess shall be adjusted downward to the smaller amount.

(b) *Where measurements cannot be made.* Whenever the determination of the acreage of wheat in excess of the allotment for any allotment farm is prevented by the producer, the farm marketing excess shall be the total number of bushels of wheat produced in 1942 on the farm. In the event the producer establishes, in accordance with § 728.335, the total number of bushels of wheat produced in 1942 on the farm, the farm marketing excess shall be the number of bushels of wheat produced in 1942 on the farm in excess of the normal production of the farm acreage allotment therefor. (Sec. 335 (c), 375 (b), 52 Stat. 54, 66, 53 Stat. 1126, 7 U.S.C. 1335 (c), 1375 (b); par. 1, 3, 12)

§ 728.334 *Notice of farm marketing quota and farm marketing excess.* Written notice of the farm marketing quota established for a farm shall be mailed or delivered to the operator of each allotment and non-allotment farm. Written notice of the farm marketing excess for a farm shall be mailed or delivered to the operator of each allotment and non-allotment farm. Notice so given shall constitute notice to each producer having an interest in the 1942 wheat crop produced or to be produced on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the Act. A record of each notice containing the date of mailing or delivering the notice to the operator of the farm shall be kept among the permanent records of the county committee and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1942 on the farm for which the notice is given. Each notice shall be on a form prescribed by the Administrator and shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof. (Sec. 362, 52 Stat. 62, 7 U.S.C. 1362)

§728.335 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing excess.* Any producer having an interest in the wheat produced in 1942 on any farm for which there is a farm marketing excess may, within 60 days after the threshing of wheat is normally substantially completed in the county in which the farm is situated, apply for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of wheat produced in 1942 on the farm. The date on which the threshing of wheat is normally substantially completed in the county shall be determined by the State committee taking into consideration recommendations which the county committee may make and, unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess wheat acreage for the farm shall be final as to the producers on the farm. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production of any farm shall be determined in view of the relevant facts, including the normal yield established for the county; the past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil and productivity; the harvesting, processing, and sales of the commodity produced on the farm; farming practices followed on the farm; weather and other factors affecting the production of wheat on the farm and in the locality in which the farm is situated. In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the questions of fact, and (3) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A notice, showing the result of the determination made as aforesaid, shall be mailed or delivered to the operator of the farm and also to the applicant if he is not such operator. (Sec. 335 (c), 375 (b), 52 Stat. 54, 66, 53 Stat. 1126, 7 U.S.C. 1335 (c), 1375 (b), par. 3, 12)

§ 728.336 *Publication of farm acreage allotments, normal yields and marketing quotas.* A record of the farm acreage allotments and normal yields established for farms in the county shall be made available for public inspection in the office of the county committee for a period of not less than 30 calendar days. The records containing the information shall be kept where the public may freely examine them. At the end of the 30-day period, the records shall be filed in the office of the county committee and shall remain available for further inspection upon request. There may be used for this purpose listing sheets, copies of notices, or other compilations upon which the pertinent data is shown. (Sec. 362, 52 Stat. 62, 7 U.S.C. 1362)

§ 728.337 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm. (Sec. 338, 52 Stat. 53, 7 U.S.C. 1338)

§ 728.338 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm or in a wheat crop produced on a farm, for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of wheat. (Sec. 375 (b), 52 Stat. 66, 7 U.S.C. 1375 (b))

§ 728.339 *Review of quotas*—(a) *Right to review by review committee.* Any producer who is dissatisfied with the farm acreage allotment and normal yield or the farm marketing quota or farm marketing excess or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed or delivered to him, apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith. Unless application for review is made within such period, the acreage allotment, the normal yield, the farm marketing quota, farm marketing excess, or the determi-

nation, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (38–AAA–2) as issued and revised by the Secretary of Agriculture.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the Act. (Sec. 363, 364, 365, 366, 367, 52 Stat. 63, 64, 7 U.S.C. 1363, 1364, 1365, 1366, 1367)

MARKETING CARDS AND CERTIFICATES

§ 728.340 *Issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (form MQ–656–Wheat), unless the county committee determines that the issuance of a marketing card will not serve a useful purpose, if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 728.351 or § 728.352, (3) the farm marketing excess is stored, as provided in § 728.356, or (4) the amount of the farm marketing excess has been delivered to the Secretary of Agriculture, as provided in § 728.357. Each marketing card shall be serially numbered and shall show (i) the names of the State and county and code number thereof and the serial number of the farm, (ii) the signature of the issuing officer for the county committee, (iii) the name and address of the producer to whom issued, and (iv) the countersignature of the producer to whom the card is issued, or his duly authorized agent, or a statement by the county committee giving an explanation of the reason for which the countrsignature cannot be made. The producers on a farm shall be ineligible to receive marketing cards if any producer on the farm owes any penalty for 1941 excess wheat. (Sec. 375 (a), 52 Stat. 66, 7 U.S.C. 1375 (a))

(b) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a wheat producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of wheat in more than one county, the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties so decide, or if the State committee has reason to believe that the procedure would be necessary to enforce the provisions of the Act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of wheat, together with any other information deemed necessary to enforce the Act. (Sec. 375 (a), 52 Stat. 66, 7 U.S.C. 1375 (a))

§ 728.341 *Issuance of marketing certificates.* The county committee shall, upon request, issue a marketing certificate, form Wheat 511–A, to any producer (a) who is eligible to receive a marketing card and who desires to market wheat by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyers or transferee, (b) who is ineligible to receive a marketing card solely because of penalties owed for 1941 excess wheat, or (c) whose liability has been reduced to a proportionate share of the entire penalty in accordance with the provisions of § 728.351 (c). Each certificate shall show (1) the name and address of the producer to whom issued, (2) the name of the State and county and the code number thereof and the serial number for the farm, (3) the serial number of the marketing card assigned to the producer for the farm, (4) the signature of the issuing officer of the committee, (5) the name of the buyer or transferee, (6) the number of bushels of wheat involved in the transaction, and (7) the signature of the producer. The original of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the duplicate copy shall be retained in the office of the county committee. (Sec. 375 (a), 52 Stat. 66, 7 U.S.C. 1375 (a))

§ 728.342 *Lost, destroyed, or stolen marketing cards or certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he be able, immediately notify the county committee of the following: (1) the name of the operator of the farm for which such marketing card or certificate was issued; (2) the name of the producer to whom the marketing card or certificate was issued, if someone other than the operator; (3) the serial number of the marketing card or certificate; (4) the description of the marketing card or certificate; and (5) whether in his knowledge or judgment it was lost, destoyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card or certificate was in fact, lost, destroyed, or stolen, it shall cancel such marketing card or certificate by giving notice to the producer to whom the card or certificate was issued that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last-known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion or connivance in connection therewith on the part of the producer to or for whom the marketing card or certificate was issued, it shall issue to or for him a marketing card or certificate to replace the lost, destroyed, or stolen marketing card or certificate. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate." In case a marketing card is canceled, as provided for in this section, the county committee shall immediately notify the buyers, elevator operators, or warehousemen who serve the county, or in the immediate vicinity, that the marketing card is canceled and of the issuance of any duplicate. Any person coming into possession of a canceled marketing card shall immediately return it to the county committee which issued it. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375 (a))

§ 728.343 *Cancelation of marketing cards issued in error.* Any marketing card erroneously issued shall, immediately upon discovery of the error, be canceled by the county committee. The producer to whom such card was issued shall be notified in the manner prescribed in § 728.342 (b) that the card is void and of no effect and that it shall be returned to the county committee. Upon the return of such card, the county committee shall cause to be endorsed thereon the notation "Canceled." In the event that such marketing card is not returned immediately, the county committee shall immediately notify the elevator operators, warehousemen, and buyers who serve the county, or in the immediate vicinity, that the marketing card is canceled. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing, shall be kept among the records of the county committee. (Sec. 375(a), 52 Stat. 66, 7 U.S.C. 1375 (a))

IDENTIFICATION OF WHEAT

§ 728.344 *Time and manner of identification.* Each producer of wheat and each intermediate buyer shall, at the time he markets any wheat, identify the wheat to the buyer or transferee, in the manner hereinafter provided, as being subject to or not subject to the penalty and the lien for the penalty. (Sec. 375 (a), 52 Stat. 66, 7 U.S.C. 1375 (a))

§ 728.345 *Identification by marketing card.* A marketing card (form MQ–656–Wheat) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the wheat for which the marketing card was issued may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for penalty. (Sec. 375 (a), 52 Stat. 66, 7 U.S.C. 1375 (a))

§ 728.346 *Identification by marketing certificate.* A marketing certificate (form Wheat 511–A), properly executed

by the county committee and the producer to whom it is issued, shall, when delivered to the buyer by the producer, be evidence that the amount of wheat shown thereon may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for penalty. (Sec. 375 (a), 52 Stat. 66, 7 U.S.C. 1375 (a))

§ 728.347 *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (form Wheat 521), properly executed by the first intermediate buyer and the producer of the wheat and any subsequent buyer in the manner outlined in §§ 728.360 (d) and 728.361, shall be evidence to any buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (a) the form Wheat 521 shows the serial number of the marketing card or certificate by which the wheat was identified and the signatures of the producer and intermediate buyer, or (b) the original form Wheat 521 bears the endorsement "Penalty satisfied" and the signature and title of a treasurer of a county committee and the date thereof. (Sec. 375 (a), 52 Stat. 66, 7 U.S.C. 1375 (a))

§ 728.348 *Wheat identified as subject to the penalty and lien for the penalty.* All wheat marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in § 728.345 or § 728.346 or § 728.347 shall be taken by the buyer thereof as wheat subject to penalty and the lien for the penalty and the buyer of such wheat shall pay the penalty thereon at the rate prescribed in § 728.349. (Sec. 375 (a), 52 Stat. 66, 7 U.S.C. 1375 (a))

PENALTY

§ 728.349 *Rate of penalty.* The rate of penalty is 50 percent of the basic rate of the loan on wheat for cooperators for the marketing year, as provided under section 302 of the Act and paragraph 10 of Public Law No. 74, as amended (par. 2).

§ 728.350 *Lien for penalty.* The entire amount of wheat produced in 1942 on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the producers on the farm store the farm marketing excess or deliver it to the Secretary of Agriculture or until the amount of the penalty is paid (par. 4).

§ 728.351 *Payment of penalties by producers*—(a) *Producers liable for payment of penalties.* Each producer having an interest in the wheat produced in 1942 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of wheat produced on the farm.

(b) *Time when penalties become due.* The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any wheat produced on the farm is harvested. The amount of the penalty on the farm marketing excess for any farm shall be remitted not later than 60 calendar days after the date on which the threshing of wheat is normally substantially completed in the county in which the farm is situated, as determined by the State committee in accordance with § 728.335 (a): *Provided, however,* That the penalty on that amount of the farm marketing excess delivered to the Secretary of Agriculture pursuant to § 728.357 shall not be remitted: *And provided further,* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 728.356 shall not be remitted until the time, and to the extent, of any depletion in the amount of wheat so stored not authorized as provided in § 728.356 (g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for the remittance of the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes the facts that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 728.356 or § 728.357 and that his share of the wheat crop produced on the farm is marketed or disposed of by him separately and that he exercises no control over the marketing or disposition of the shares of the other producers in the wheat crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the wheat produced in 1942 on the farm bears to the total amount of wheat produced in 1942 on the farm. When the producer pays his proportionate share of the penalty or, in accordance with § 728.356 or § 728.357, stores or delivers to the Secretary of Agriculture the number of bushels required to postpone or avoid the payment of the penalty on his proportionate share, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates, issued in accordance with § 728.341, to be used by him only in the marketing of his proportionate share of the wheat crop produced in 1942 on the farm. (Sec. 375 (b), 52 Stat. 66, 7 U.S.C. 1375 (b) par. 2, 3)

§ 728.352 *Payment of penalties by buyers*—(a) *Buyers liable for payment of penalties.* Each person within the United States who buys from the producer any wheat subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Wheat shall be taken as subject to the lien for the penalty unless the producer presents to the buyer a marketing card form (MQ–656–Wheat) or a marketing certificate (form Wheat 511–A) as prescribed in §§ 728.345 and 728.346.

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys wheat which is subject to the lien for the penalty shall pay the amount of the penalty on each bushel thereof in satisfaction of the lien thereon. Wheat purchased from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale, the intermediate buyer delivers to the purchaser the original and a copy of an intermediate buyer, which show (1) the form Wheat 521, properly executed by the producer of the wheat and the first intermediate buyer, which show (1) the serial number of the marketing card or marketing certificate by which the wheat covered thereby was identified when marketed, or (2) on the reverse sides the statement "Penalty satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

(c) *Time when penalties become due.* The penalty to be paid by any buyer pursuant to paragraph (a) or (b) of this section shall be due at the time the wheat is purchased and shall be remitted not later than 15 calendar days thereafter.

(d) *Manner of deducting penalties and issuance of receipts.* The buyer may deduct from the price paid for any wheat an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) or (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the wheat was purchased a receipt for the amount so deducted which shall be, in the case of wheat purchased from the producer by an intermediate buyer, on form Wheat 521, and, in all other cases, on form Wheat 512. (Sec. 375 (b), 52 Stat. 66, 7 U.S.C. 1375 (b); Par. 8)

§ 728.353 *Remittance of penalties to the treasurer of the county committee.* The treasurer of any county committee, for and on behalf of the Secretary of Agriculture, shall receive the penalty and issue to the person remitting the penalty a receipt therefor. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the *Treasurer of the United States.* All checks, drafts, or money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par and the receipt, form Wheat 517, issued in connection therewith shall bear a notation to that effect and a description of the check, draft, or money order. If the penalty is remitted by an intermediate buyer, the treasurer of the county committee shall, in addition to issuing a receipt therefor on form Wheat 517, show that the penalty is paid by entering on the reverse side of the original and first copy of the intermediate buyer's record and report, form Wheat 521, the statement "Penalty satisfied" and his signature and

title and the date thereof. (Sec. 372 (b), 52 Stat. 65, 7 U.S.C. 1372)

§ 728.354 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with penalties for wheat shall be scheduled and transmitted by him on the day received or not later than the morning of the next succeeding business day, to the State Committee, which shall cause such funds to be deposited to the credit of a special deposit account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (herein referred to as "special deposit account.") to be held in escrow. In the event the funds so received are in the form of cash, the treasurer of the county committee shall purchase a postal money order in the amount thereof, payable to the order of the Treasurer of the United States. The expense incurred by the treasurer of the county committee in purchasing postal money orders shall be paid by him in accordance with applicable procedure from the funds provided for the administrative expenses of the county agricultural conservation association. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the wheat in connection with which the funds were remitted. (Sec. 372 (b), 52 Stat. 65, 7 U.S.C. 1372 (b))

§ 728.355 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee upon their own motion or upon the request of any interested person shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess wheat and the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment or avoidance of or security of the penalty on the farm marketing excess or (2) the amount which is in excess of the security required for stored excess wheat and the penalty incurred on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the wheat, or for which he was liable.

(b) *Certification of refunds.* One member of the county committee, acting for the committee, and the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the treasury of the county committee and transmitted by him to the State committee *but has not been covered into the general fund of the Treasury of the United States.* (Sec. 372 (b), 52 Stat. 65, 7 U.S.C. 1372 (b))

§ 728.356 *Stored farm marketing excess*—(a) *Amount of wheat to be stored.* The number of bushels of wheat in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary of Agriculture. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined, at the time of storage, under §§ 728.333, 728.335, or 728.370, whichever is applicable.

(b) *Storage of excess wheat.* Stored excess wheat shall be kept in a place adapted to the storage of wheat. The wheat so stored shall be subject to the condition that it may be inspected at any time by officers or employees of the United States Department of Agriculture or members, officers or employees of the State or county committees.

(c) *Deposit of warehouse receipts in escrow.* The storage of wheat in an elevator or warehouse in order to postpone the payment of the penalty or with a view to avoiding such penalty shall, except as provided in paragraphs (d) or (e) of this section, be effective when a warehouse receipt covering the amount of wheat so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be a negotiable receipt or a nonnegotiable receipt as to which the warehousemen or elevator operator is notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the wheat covered thereby is to be made only under the terms of its deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the wheat is stored shall be and shall remain liable for all charges incident to the storage of the wheat and that the county committee and the United States in no way be responsible for or pay any such charges. Whenever the penalty with respect to wheat covered by warehouse receipt is paid or satisfied from any cause, the warehouse receipt shall be returned to the person who deposited it.

(d) *Bond of indemnity.* The storage of excess wheat in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when a good and sufficient bond of indemnity on a form prescribed for this purpose is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the wheat and either (1) as sureties by two persons, each owning real property (other than such owner or operator or producers) situated within the county with an unencumbered value of double the principal sum of the bond, or (2) as surety by a corporate surety authorized to do business in the State in which the farm is situated and holding a certificate of authority from the Secretary of the Treasury of the United States to act as an accepted surety on bonds in favor of the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producers on the farm prevent the inspection of any wheat so stored the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the treasurer of the county committee shall furnish the principal and the sureties with a written statement to that effect. A bond shall not otherwise be canceled or released.

(e) *Deposit of funds in escrow.* The storage of wheat in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when an amount of money not less than the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty. The treasurer of the county committee shall issue a receipt to the person who tenders such funds which shall be received subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producer on the farm prevents inspection of any wheat so stored, the penalty on the entire amount stored shall be paid forthwith.

(f) *Time of storage.* Storage of wheat in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b) and (c), (d) or (e) of this section are complied with prior to the expiration of the period allowed, in accordance with § 728.351 (b), for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess wheat.* The penalty on the amount of excess wheat stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of wheat stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) the amount by which the stored excess wheat exceeds the farm marketing excess for the farm as determined in accordance with §§ 728.333, 728.335, or 728.370, (2) the amount by which the stored excess wheat exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the determination of the review committee, and (3) the amount of any wheat destroyed by fire, weather conditions, insect infestation or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him.

(h) *Underplanting the farm acreage allotment for a subsequent crop.* Whenever the acreage planted to wheat on any farm for the 1943 or subsequent crop of wheat is less than the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any wheat so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to wheat is less than the farm acreage allotment. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to wheat or in accordance with their agreement as to the apportionment to be made. A producer shall not be entitled to remove wheat from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the end of the wheat seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the wheat crop which was or could have been planted on the farm. The acreage planted to wheat for the purpose of this paragraph shall be the acreage planted to wheat, plus the acreage of volunteer wheat, classified as an acreage of wheat for the crop in accordance with the instructions of the Administrator.

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever the actual production of wheat in 1943 or any subsequent year on any farm is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty, any wheat so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section, exceeds the amount of wheat produced on the farm in that year. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their proportionate shares in the wheat crop planted on the farm or in accordance with their agreement as to the apportionment to be made. The determination of the amount of wheat produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove wheat from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the wheat crop planted on the farm. (Sec. 326 (b), 52 Stat. 51, 7 U.S.C. 1326 (b); Par. 3, 5, 6)

§ 728.357 *Delivery of the farm marketing excess to the Secretary of Agriculture*—(a) *Amount of wheat to be delivered.* The amount of wheat delivered to the Secretary of Agriculture in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined, at the time of delivery, in accordance with §§ 728.333, 728.335, or 728.370, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary of Agriculture, the treasurer of the county committee for the county in which the farm for which the farm marketing excess is determined is situated shall accept the delivery of any wheat tendered to avoid the payment of the penalty. The delivery of the wheat for this purpose shall be effective only when the producers having an interest in the wheat to be so delivered convey to the Secretary of Agriculture all right, title and interest in and to the wheat by executing a form provided for this purpose in accordance with instructions issued by the Administrator and (1) deliver the wheat to a wheat elevator or warehouse and tender to the treasurer of the county committee the elevator or warehouse receipts for the amount of the wheat, or (2) where the producer shows to the satisfaction of the county committee that it is impracticable to deliver the wheat to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the wheat at a point within the county or nearby and within such time or times as may be designated by the county committee in accordance with instructions issued by the Administrator. None of the wheat so delivered shall be returned to the producer. Insofar as practicable, the wheat so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any wheat which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary of Agriculture hereby determines will divert it from the normal channels of trade and commerce: Farm Security Administration for use of its needy grant clients, any other Federal relief organization, the American Red Cross, State or county or municipal relief organization, or Federal or State wildlife refuge project (Par. 3).

§ 728.358 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary of Agriculture within the time prescribed by law after payment to him of the penalty collected from any person, the Secretary of Agriculture finds that the penalty was erroneously, illegally, or wrongfully collected, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary of Agriculture. (Sec. 372 (c), 52 Stat. 65, 204, 54 Stat. 728, 7 U.S.C. 1372 (c))

§ 728.359 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county committee to report in writing to the State committee each case of failure or refusal to pay the penalty or to remit the same as provided in these regulations to the Secretary of Agriculture when collected. It shall be the duty of the State committee to report each such case in writing to the United States Department of Agriculture with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in Section 376 of the Act. (Sec. 376, 52 Stat. 66, 7 U.S.C. 1376)

RECORDS AND REPORTS

§728.360 *Records to be kept and reports to be made by warehousemen, elevator operators, feeders, or other proces-*

sors, and buyers other than intermediate buyers—(a) *Necessity for records and reports.* Each warehouseman, elevator operator, feeder, or other processor, and each buyer other than an intermediate buyer, who buys, acquires, or receives wheat from the producer or intermediate buyer thereof shall, in conformity with section 373 (a) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the Act.

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or other processor, and each buyer other than an intermediate buyer, shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) the name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (form MQ–656–Wheat), or marketing certificate (form Wheat 511–A), or intermediate buyer's record and report (form Wheat 521), by which the wheat was identified, or the report and penalty receipt (form Wheat 512), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made shall be kept available for examination by the Secretary of Agriculture or his authorized representatives, and by members of the State or county committees or their officers or employees, for two calendar years beyond the calendar year in which the marketing year ends. The records shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to these regulations, or of obtaining the information required to be furnished in any report pursuant to these regulations but not so furnished. The county committee shall furnish, without cost, blank copies of forms Wheat 520 which may be used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with wheat subject to penalty or the lien for the penalty.* Each warehouseman, elevator operator, feeder, or other processor, and each buyer other than an intermediate buyer who purchases any wheat from the producer or intermediate buyer thereof which is not identified at the time the wheat is purchased in the manner provided in §§ 728.345, 728.346, and 728.347, shall, with respect to each such transaction, execute the report and penalty receipt on form Wheat 512 and report to the treasurer of the county committee the following information: (1) the name and address of the producer or intermediate buyer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the amount of the wheat, and (4) the amount of the penalty incurred in connection with the transaction, and whether an amount equivalent to the penalty was deducted from the price or consideration paid for the wheat. Each record and report on form Wheat 512 shall be executed in triplicate. The person who executes form Wheat 512 shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, and mail or deliver the remaining copy to the treasurer of the county committee. The original of form Wheat 512 given to the producer or intermediate buyer, as the case may be, shall be the receipt to him for the amount of the penalty in connection with the wheat. It shall be presumed that wheat was not identified by forms MQ–656–Wheat, as provided in § 728.345, or Wheat 511–A, as provided in § 728.346, or Wheat 521, as provided in § 728.347, if the serial number of the marketing card or marketing certificate or intermediate buyer's record and report does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with wheat identified by intermediate buyer's records and reports.* Whenever wheat is identified by the intermediate buyer's record and report (form Wheat 521), executed in accordance with § 728.361, the warehouseman, elevator operator, feeder, or other processor, or the buyer other than an intermediate buyer, who purchases or acquires the wheat covered thereby shall retain the first copy as a record of the transaction and forward the original to the treasurer of the county committee as a report on the transaction in every case where he purchases or acquires all or the remainder of the wheat covered by the record and report. In all other cases, where the warehouseman, elevator operator, feeder, or other processor, or the buyer other than an intermediate buyer, purchases, or acquires only a portion of the wheat covered by the intermediate buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of wheat purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the wheat.

(e) *Records in connection with wheat identified by marketing certificate.* Whenever wheat is identified by a marketing certificate (form Wheat 511–A), the warehouseman, elevator operator, feeder, or other processor, or the buyer other than an intermediate buyer, who purchases the wheat so identified shall retain the original of the marketing certificate as a record of the transaction.

(f) *Time and place of submitting reports.* Each report required by this section shall be submitted, not later than 15 calendar days next succeeding the day on which the wheat was marketed to a warehouseman, elevator operator, feeder, or other processor, or a buyer other than an intermediate buyer, to the treasurer of the county committee for the county in which the wheat was so marketed, or if there is no county committee, to the State committee for the State in which the wheat was so marketed. (Sec. 373 (a), 52 Stat. 65, 54 Stat. 394, 55 Stat. 88, 7 U.S.C. 1373 (a))

§ 728.361 *Records to be kept and reports to be made by intermediate buyers*—(a) *Necessity for records and reports.* Each intermediate buyer shall, in conformity with section 375 (a) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the Act.

(b) *Form of record and report in connection with wheat purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any wheat from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (form Wheat 521) of the following information: (1) the name and address of the producer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the names of the county and State in which the wheat was produced, (4) the amount of the wheat, and (5) the serial number of the marketing card or marketing certificate by which the producer identified the wheat at the time it was marketed, or if the wheat is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the wheat. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the certificate thereon. One copy of form Wheat 521 so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the wheat. One copy of form Wheat 521 so executed shall be retained by the intermediate buyer as his record in connection with the transaction. Whenever wheat is identified by a marketing certificate, the intermediate buyer shall attach the original of the marketing certificate to the first copy of form Wheat 521 to be delivered to the warehouseman, elevator operator, feeder, or other processor, or buyer other than an intermediate buyer, who finally acquires the wheat covered by the form Wheat 521 and marketing certificate. Whenever the intermediate buyer markets or delivers a portion of the wheat covered by a single form Wheat 521 to another and retains a portion of the wheat, the intermediate buyer shall obtain from the person to whom the portion of the wheat is marketed or delivered an endorsement on the reverse side of both the original and first copy of form Wheat 521 showing the name and signature of the person, the number of bushels of wheat marketed or deliv-

ered to him, and the date of the transaction.

(c) *Manner of making reports.* The intermediate buyer shall deliver the original and copy of the intermediate buyer's record and report (form Wheat 521) to the warehouseman, elevator operator, feeder, or other processor, or the buyer other than an intermediate buyer, to whom all or the remainder of the wheat covered thereby is marketed. When wheat is marketed or delivered by one intermediate buyer to another intermediate buyer, the original and first copy of form Wheat 521 shall be transmitted by one intermediate buyer to the other and the last intermediate buyer shall deliver them to the warehouseman, elevator operator, feeder, or other processor, or buyer other than an intermediate buyer. If all or the remainder of the wheat is not marketed or delivered to a warehouseman, elevator operator, feeder, or other processor, or buyer other than an intermediate buyer, the last intermediate buyer shall within 15 days mail or deliver the original and first copy of the intermediate buyer's record and report to the treasurer of the county committee.

(d) *Reports to the treasurer of the county committee.* Each intermediate buyer shall, within 15 days after all forms Wheat 521 contained in a book have been executed or December 31, 1942, whichever is the earlier, mail or deliver to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of form Wheat 521 which were retained by him. (Sec. 373 (a), 52 Stat. 65, 54 Stat. 394, 55 Stat. 88, 7 U.S.C. 1373 (a))

§ 728.362 *Buyer's special reports.* In the event that the county committee or State committee has reason to believe that any buyer has failed or refused to comply with these regulations, the buyer shall within 15 days after a written request therefor made by the county committee or State committee and deposited in the United States mails, registered and addressed to him at his last-known address, make a report, verified as true and correct by affidavit, on form Wheat 520 to such committee with respect to all wheat purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time as specified in the request. The report shall include the following information for each lot of wheat purchased or acquired from the persons specified or during the period specified: (a) the name and address of the producer of the wheat, (b) the date of the transaction, (c) the amount of wheat, (d) the serial number of the marketing card (form MQ–656–Wheat), marketing certificate (form Wheat 511–A), or intermediate buyer's record and report (form Wheat 521), or the report and penalty receipt (form Wheat 512), and (e) the amount of the lien for the penalty or the amount of penalty incurred in connection with the wheat purchased or acquired. (Sec. 373 (a), 52 Stat. 65, 54 Stat. 394, 55 Stat. 88, 7 U.S.C. 1373 (a))

§ 728.363 *Penalty for failure or refusal to keep records and make reports.* Any person required to keep the records or make the reports specified in §§ 728.360, 728.361, or 728.362 and who fails to keep any such record or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the Act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense. (Sec. 373 (a), 52 Stat. 65, 54 Stat. 394, 55 Stat. 88, 7 U.S.C. 1373 (a))

§ 728.364 *Records to be kept and reports to be made by producers.* Each person who in 1942 harvests wheat which is subject to the provisions of these regulations shall, in conformity with section 373 (b) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the Act. The operator of the farm in connection with which a farm marketing excess is determined and in connection with which producers are ineligible to receive marketing cards or marketing certificates under § 728.340 or § 728.370 shall file with the treasurer of the county committee for the county in which the farm is situated a farm operator's report on form Wheat 519 showing for the farm the following information: (a) total number of bushels of wheat produced thereon in 1942, (b) the name and address of each buyer or transferee of any wheat, (c) the amount of wheat marketed to him, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the wheat, (e) the amount of unmarketed wheat of the 1942 crop on hand, and (f) the acreage of wheat. The report in connection with any such farm shall be made not later than 60 days after the date, as determined by the county committee and the State committee, on which the threshing of wheat is normally substantially completed for the county in which the farm is situated. Upon the request of the county committee, the operator of any other farm shall make a similar report within 15 days after the request therefor is made. (Sec. 375 (b), 52 Stat. 65, 55 Stat. 88, 7 U.S.C., 1373 (b))

§ 728.365 *Data to be kept confidential.* Except as otherwise provided herein, all data reported to or acquired by the Secretary of Agriculture pursuant to and in the manner provided in these regulations shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any wheat, farm, or transaction covered by the particular data, such as records, reports, forms or other information, and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the Act and then only in a suit or administrative hearing under Title III of the Act. (Sec. 373 (c), 52 Stat. 65, 7 U.S.C. 1373 (c))

§ 728.366 *Enforcement.* It shall be the duty of the county committee to report in writing to the State committee forthwith each case of failure or refusal to make any report or keep any record as required by these regulations and each case of making any false report or record. It shall be the duty of the State committee to report each such case in writing to the United States Department of Agriculture with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of Title III of the Act. (Sec. 376, 52 Stat. 66, 7 U.S.C. 1376)

SPECIAL PROVISIONS AND EXEMPTIONS

§ 728.367 *Farms on which the acreage planted is not in excess of 15 acres*—(a) *Conditions of exemption.* A farm marketing quota for wheat for the 1942 crop shall not be applicable to any farm on which the acreage of wheat planted for the 1942 crop (plus any acreage of volunteer wheat which reaches maturity) is not in excess of 15 acres.

(b) *Issuing marketing cards.* The county committee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 728.340 to 728.343 inclusive. (Sec. 375 (a), 52 Stat. 66, 55 Stat. 88, 7 U.S.C. 1375 (a); par. 7)

§ 728.368 *Farms on which the normal production of the acreage planted is less than 200 bushels*—(a) *Conditions of exemption.* A farm marketing quota for wheat of the 1942 crop shall not be applicable to any farm on which the normal production of the acreage planted to wheat of the 1942 crop (plus any acreage of volunteer wheat which reaches maturity) is less than 200 bushels.

(b) *Issuing marketing cards.* The county committee shall, for each farm to which the provisions of this section are applicable issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 728.340 to 728.343, inclusive. (Sec. 335 (d), 375 (a), 52 Stat. 55, 66, 54 Stat. 232, 55 Stat. 88, 7 U.S.C. 1335 (d), 1375 (a))

§ 728.369 *Experimental wheat farms*—(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any wheat of the 1942 crop grown for experimental purposes only by any publicly owned agricultural experiment station.

(b) *Issuing marketing cards.* The county committee shall, upon the written application of a responsible executive officer of any publicly owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 728.340 to 728.343, inclusive. (Sec. 372 (d), 375 (a), 52 Stat.

65, 66, 204, 55 Stat. 88, 7 U.S.C. 1372 (d), 1375 (a))

§ 728.370 *Non-allotment farms*—(a) *Amount of farm marketing excess where measurements are made.* The farm marketing excess for any non-allotment farm to which a farm marketing quota is applicable shall be the normal production of the acreage of wheat on the farm in excess of 15 acres or the farm acreage allotment therefor, whichever is the larger. Where, upon application of the producer, the amount of wheat produced in 1942 on the farm is established by the producer, the farm marketing excess shall be adjusted downward to the smaller of the following: (1) the actual production of the excess acreage or (2) the amount by which the number of bushels of wheat produced in 1942 on the farm exceeds the normal production of the farm acreage allotment. The provisions of § 728.335 shall be applicable to the adjustment of the farm marketing excess. Until the acreage of wheat harvested for any non-allotment farm is determined, the acreage of wheat therefor shall be the same as in the case of an allotment farm.

(b) *Amount of farm marketing excess where measurements cannot be made.* Whenever the determination of the acreage of wheat for any non-allotment farm is prevented by the producer, the farm marketing excess shall be the total number of bushels of wheat produced in 1942 on the farm. In the event the producer establishes, in accordance with § 728.335, the total number of bushels of wheat produced in 1942 on the farm, the farm marketing excess shall be the number of bushels of wheat produced in 1942 on the farm in excess of the normal production of the farm acreage allotment therefor.

(c) *Issuing marketing cards.* The county committee shall, for each non-allotment farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 728.340 to 728.343, inclusive. (Sec. 362, 375 (a), 52 Stat. 62, 66, 55 Stat. 88, 7 U.S.C. 1362, 1375 (a); par. 7)

§ 728.371 *Non-allotment farms on which the acreage of wheat harvested does not exceed 3 acres per family*—(a) *Conditions of exemption.* The penalty shall not apply to wheat produced in 1942 on any non-allotment farm to which a farm marketing quota is applicable and on which the acreage of wheat harvested in 1942 is in excess of 15 acres or the farm acreage allotment therefor, whichever is the larger, provided the acreage of wheat harvested thereon in 1942 is not in excess of 3 acres for each farm family living on the farm and having an interest as a wheat producer in the wheat crop grown thereon: *And provided further,* No wheat produced in 1942 on the farm is marketed by sale. The provisions of this section shall be applicable only to non-allotment farms situated in the East Central Region and any State in the Southern Region except the States of Texas and Oklahoma.

(b) *Marketing cards.* A marketing card or marketing certificate shall not be issued with respect to the 1942 crop to any producer on any farm to which the exemption referred to in paragraph (a) is applicable. (Sec. 375 (a), 52 Stat. 66, 55 Stat. 88, 7 U.S.C. 1375 (a); Par. 7)

Done at Washington, D. C., this 2nd day of May, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-3971; Filed, May 2, 1942; 11:40 a. m.]

Chapter IX—Agricultural Marketing Administration

[O-48-2]

PART 948—MILK IN THE SIOUX CITY, IOWA, MARKETING AREA

AMENDMENT NO. 2 TO THE ORDER REGULATING THE HANDLING OF MILK IN THE SIOUX CITY, IOWA, MARKETING AREA [1]

The Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued on April 3, 1940, effective as of April 16, 1940, the order regulating the handling of milk in the Sioux City, Iowa, marketing area, and issued on October 1, 1941, effective as of October 2, 1941, Amendment No. 1 to said order.

There being reason to believe that amendment of said order would tend to effectuate the declared policy of the act, notice was given on the 20th day of February 1942 of a hearing which was held on February 26, 1942, at Sioux City, Iowa, at which time and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order.

The requirements of section 8c (9) of the act have been complied with.

It is found, upon the evidence introduced at said hearing on proposed amendments, said findings being in addition to the findings made upon the evidence introduced at all prior hearings on the order and amendment thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with findings hereinafter set forth):

AUTHORITY: Amendments to §§ 948.0, 948.4, 948.6, 948.7, and 948.8, issued under the authority contained in 48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U. S. C. and Supp. 601 et seq.

§ 948.0 *Findings.* (a) That the prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) (50 Stat. 246; 7 U.S.C., 1940 ed. 602, 608e), are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect the market supply of and demand for such milk, and that the minimum prices set forth in this amendment to the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(b) That the order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

(c) That the issuance of this amendment to the order and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

It is hereby ordered that the order regulating the handling of milk in the Sioux City, Iowa, marketing area shall be, and it is hereby, amended as follows:

1. Delete in subparagraph (1) of § 948.4 (a) wherever it occurs the date "1942" and substitute therefor the following: "1943."

2. Delete subparagraph (2) of § 948.4 (a) and substitute therefor the following:

(2) Class II milk—$2.30 per hundredweight during delivery periods prior to May 1, 1943, and $1.90 per hundredweight during delivery periods thereafter: *Provided,* That in no event shall the Class II price be less than the Class III price, plus 25 cents.

3. Delete subparagraph (3) of § 948.4 (a) and substitute therefor the following:

(3) Class III milk—For each current delivery period the price per hundredweight computed by the market administration as follows: deduct 5 cents from the average of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the next preceding delivery period at the plants listed in this subparagraph: *Provided,* That if the price so computed is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price for such delivery period: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and add 10 cents.

Concern	*Location of plants*
Carnation Milk Co.	Northfield, Minn.
Carnation Milk Co.	Waverly, Iowa
Borden Milk Products Co.	Sterling, Ill.
Libby, McNeill & Libby	Morrison, Ill.

4. Delete paragraph (b) of § 948.4.

5. Delete § 948.6 and substitute therefor the following:

§ 948.6 *Application of provisions*—(a) *Handlers who are also producers.* (1) The provisions of §§ 948.4, 948.7, 948.8, and 948.9 shall not apply to a handler who purchases or receives no milk from

[1] See also Department of Agriculture, Agricultural Marketing Administration, this issue.

producers or new producers other than milk of his own production.

(2) In the case of a handler who is also a producer and who purchases or receives milk from other producers, the market administrator before making the computations pursuant to § 948.7 shall (i) exclude from the total pounds of milk in each class the total pounds of milk which were purchased or received in the respective classes from other handlers and (ii) exclude pro rata from the remaining pounds of milk in each class the total pounds of milk received from such handler's own farm production.

(b) *Purchases of milk from a handler who is also a producer.* In the case of a handler who purchases or receives milk in bulk from a handler who is also a producer, the market administrator, in making the computations pursuant to § 948.7 for such purchasing handler, shall add an amount equal to the difference between the value of such milk (1) at the price for the class in which such milk was classified and (2) at the price for Class III milk.

(c) *Payment for excess butterfat.* In the case of a handler who disposes of butterfat in excess of the butterfat which, on the basis of his records, has been received, the market administrator, in making the computations pursuant to § 948.7, shall add an amount equal to the value of such butterfat (or 3.5 percent milk equivalent) in accordance with its classification.

6. Delete paragraph (a) of § 948.7 and substitute therefor the following:

(a) *Computation of the amount to be paid producers by each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 948.6, the amount to be paid producers by each handler for milk received from them, by (1) multiplying the hundredweight of such milk in each class by the price applicable pursuant to § 948.4, (2) adding together the resulting values of such class, and (3) adding any amounts pursuant to § 948.6 (b) and (c).

7. Delete in subparagraph (6) of § 948.7 (b) the term "6th" and substitute therefor the following: "7th."

8. Delete paragraph (b) of § 948.8 and substitute therefor the following:

(b) *Butterfat differential.* If any handler has purchased or received from any producer or new producer milk having an average butterfat content other than 3.5 percent, such handler, in making the payments pursuant to subparagraphs (1) and (2) of paragraph (a) of this section, shall add for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than:

(1) Three cents per hundredweight when the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, is less than 30 cents;

(2) Three and one-half cents per hundredweight when such average price of 92-score butter is 30 cents or more but less than 35 cents;

(3) Four cents per hundredweight when such average price of 92-score butter is 35 cents or more, but less than 40 cents;

(4) Four and one-half cents per hundredweight when such average price of 92-score butter is 40 cents or more, but less than 45 cents; and

(5) Five cents per hundredweight when such average price of 92-score butter is 45 cents or more.

Issued at Washington, D. C., this 2d day of May 1942, to become effective on and after the 5th day of May 1942. Witness my hand and the official seal of the Department of Agriculture.

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-3972; Filed, May 2, 1942; 11:40 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[13th Sup. to Gen. Order C-1]

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF SONOYTA, ARIZONA, AS A PORT OF ENTRY FOR ALIENS

APRIL 9, 1942.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458) and § 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), Sonoyta, Arizona (Sonoyta Gate), is hereby designated as a port of entry for aliens entering the United States, and the designation of Ajo, Arizona, as a port of entry is hereby cancelled.

Section 110.1, *Ports of entry for aliens,* (Rule 3, Subd. A, Par. 1 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936) is amended by inserting Sonoyta, Arizona (Sonoyta Gate), between Sasabe, Arizona, and Columbus, New Mexico, in the list of ports of entry for aliens in District No. 17. The section is also amended by deleting Ajo, Arizona, from the list of ports of entry for aliens in District No. 17.

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-3937; Filed; May 1, 1942; 3:22 p. m.]

[13th Sup. to Gen. Order C-2]

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF PRESQUE ISLE AIR BASE AS TEMPORARY AIRPORT OF ENTRY

APRIL 9, 1942.

Pursuant to the authority contained in section 7 (d) of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; 49 U.S.C. 177 (d)), and section 1 of Reorganization Plan No. V (5 F.R. 2223), the Presque Isle Air Base, Presque Isle, Maine, is hereby designated as a temporary port for the entry into the United States of aliens arriving by aircraft.

Section 110.3 *Designated ports of entry by aircraft*—(b) *Temporary ports of entry,* is hereby amended by inserting Presque Isle, Maine, Presque Isle Air Base between Portal, North Dakota, Portal Airport and Rochester, New York, Rochester Municipal Airport in the list of temporary ports of entry for aliens arriving by aircraft.

FRANCIS BIDDLE,
Attorney General.

Approval recommended:

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General.

[F. R. Doc. 42-3938; Filed, May 1, 1942; 3:22 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 62—RESERVE OFFICERS' TRAINING CORPS [1]

ENLISTMENT OF ADVANCED STUDENTS—TRAINING CORPS DISCONTINUED

§ 62.22a *Enlistment of advanced course ROTC students in the Enlisted Reserve Corps.* For the duration of the present emergency, enlistment of ROTC students (except in Medical Corps units) in the Army Enlisted Reserve Corps will be made a prerequisite for enrollment in the ROTC advanced course. Students who have not reached their 18th birthday will not be enlisted in the Enlisted Reserve Corps but may be enrolled in the ROTC advanced course upon signing an agreement to enlist upon reaching the age of 18. The above provisions will apply to all students who have been selected for the advanced course and who have not yet signed a contract. Advanced course students who are already under contract will be encouraged to enlist in the Enlisted Reserve Corps. (Sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Letter A.G.O., dated April 21, 1942, AG 354.17 ROTC (4-4-42) MT-A-M, as amended by Letter A.G.O., dated April 24, 1942, AG 354.17 ROTC (4-22-42) MT-A-M]

Training Camps Discontinued

§62.79 *R.O.T.C. summer camps discontinued.* (a) ROTC summer camps are

[1] §§ 62.22a and 62.79 are added.

discontinued for the duration of the war and six months thereafter. (§§62.56 to 62.78, inclusive).

(b) (1) ROTC graduates of the senior units who will, in 1942, have completed all requirements for a commission, including a summer camp, will be appointed Second Lieutenants, Officers' Reserve Corps, upon graduation.

(2) ROTC graduates of senior units who will, in 1942, have completed all requirements for a commission, except a summer camp, will attend the basic course at the appropriate special service school following graduation. Upon satisfactorily completing this course they will be appointed Second Lieutenants, Officers' Reserve Corps.

(c) (1) ROTC graduates of Junior units (MS) who will, in 1942, have completed all requirements for a commission, including a summer camp, will be appointed Second Lieutenants, Officers' Reserve Corps, upon graduation, if above the minimum age of eighteen (18); otherwise they will receive a certification for appointment.

(2) A limited number of qualified ROTC graduates of junior units (MS) who will in 1942 have completed all requirements for a commission, except a summer camp, will be permitted to attend the basic course at the appropriate special service school following graduation. This number will not exceed 50 percent of the final number of MS students attending the camp in 1941. The recommendation of the Professor of Military Science and Tactics of the institution concerned will be required in each case. These students, upon completion of the course, will be appointed Second Lieutenants, Officers' Reserve Corps, if above the minimum age of eighteen (18); otherwise they will receive a certification for appointment.

(d) Beginning in 1943, all ROTC graduates of the senior division, and selected graduates of the junior division (MS) will be required to complete the basic or equivalent course at an appropriate special service school after completion of the ROTC academic requirements, and prior to being appointed Second Lieutenants, Officers' Reserve Corps. The number of junior division (MS) graduates who will be permitted to attend the service schools in 1943, will be announced later.

(e) Graduates of ROTC medical units are not subject to the provisions of paragraphs (b) (2) and (d) of this section. They will be appointed in the Officers' Reserve Corps upon graduation.

(f) Students will attend the special service schools in a cadet (ROTC) status. Standards demanded of ROTC cadets attending these courses will be identical in all respects with those of candidates attending officer candidate schools. Only those fully qualified in all respects will be appointed as Second Lieutenants in the Officers' Reserve Corps. Evidence of immaturity on the part of these students, graduates of the senior division ROTC, as well as of the junior division, will be cause for rejection for commission. Upon appointment as Second Lieutenants, Officers' Reserve Corps, students will be ordered immediately to active duty. Report will be made to The Adjutant General by the Chief of Branch concerned of any institutions whose ROTC graduates consistently fail to meet the standards of the service schools. (Sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Letter A.G.O., dated March 8, 1942, AG 354.17 ROTC (1-15-42) MT-C-M]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3997; Filed, May 4, 1942; 10:35 a. m.]

Chapter VII—Personnel

PART 78—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES[1]

DECORATIONS FOR INDIVIDUALS

§ 78.4 *Posthumous award.*

* * * * *

(b) *Purple Heart.* (1) The posthumous award of the Purple Heart is authorized to members of the military service who are killed in action against an enemy of the United States, or who die as a direct result of a wound received in action against an enemy of the United States, or as a result of an act of such enemy, on or after December 7, 1941.

(2) The posthumous award of the Purple Heart will be made in general orders by the commanders authorized by Army Regulations to make the award.

(3) Upon receipt of copies of the general orders announcing the posthumous award of the Purple Heart, The Adjutant General will send the medal to the nearest of kin of the person to whom the award is made. (40 Stat. 871; 10 U.S.C. 1409) [Par. 17 *f*, AR 600-45, August 8, 1932, as amended by Cir. 125, W.D., April 28, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3998; Filed, May 4, 1942; 10:35 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

[Regulation S]

PART 219—INDUSTRIAL LOANS BY FEDERAL RESERVE BANKS

Introduction. The regulations in this part are based upon and issued pursuant to section 13b of the Federal Reserve Act, as amended, and other provisions of law. The provisions of section 13b and certain other related statutory provisions are cited in the note preceding § 219.1.

[1] § 78.4 (b) is superseded.

Sec.

AUTHORITY: §§ 219.1 to 219.7, inclusive, issued under sec. 11 (i), 38 Stat. 262, sec. 1, 48 Stat. 1105, sec. 323, 49 Stat. 714; 12 U.S.C. 248 (i), 12 U.S.C. 352a and Sup.

§ 219.1 *Transactions by Federal Reserve Banks with financing institutions*—(a) *Legal requirements.* Under the provisions of subsection (b) of section 13b of the Federal Reserve Act, a Federal Reserve Bank is authorized to discount obligations for, purchase obligations from, and make loans or advances on the security of such obligations direct to, any bank, trust company, mortgage company, credit corporation for industry or other financing institution (hereinafter referred to as "financing institution") operating in its district and to make commitments with regard to such discounts, purchases, loans or advances, subject to the following requirements:

(1) Obligations which are the subject of such discounts, purchases, loans, advances or commitments must have been or must be entered into for the purpose of obtaining working capital for an established industrial or commercial business;

(2) Such obligations must have a maturity of not exceeding five years;

(3) Each such financing institution shall:

(i) Obligate itself to the satisfaction of the Federal Reserve Bank for at least 20 per centum of any loss which may be sustained by the Reserve Bank upon any such obligation acquired from such financing institution, the existence and amount of any such loss to be determined in accordance with paragraph (c) of this section; or

(ii) In lieu thereof, advance at least 20 per centum of such working capital and in such event the advances by both such financing institution and the Federal Reserve Bank shall be considered as one advance and repayment shall be made on a pro rata basis.

(b) *Applications by financing institutions.* An application [1] by a financing institution for the discount or purchase of an obligation entered into for the purpose of obtaining working capital for an estab-

[1] Attention is invited to the requirements of subsections (h) and (k) of section 22 of the Federal Reserve Act with regard to material statements or overvaluation of security in connection with applications of this kind and with regard to the giving or receiving of fees, commissions, bonuses, or things of value for procuring or endeavoring to procure from a Federal Reserve Bank any credit accommodation, either directly from such Federal Reserve Bank or indirectly through any financing institution.

lished industrial or commercial business located in any Federal Reserve district or for a loan or advance on the security of such an obligation or for a commitment with regard to such discount, purchase, loan, or advance, may be transmitted to the Federal Reserve Bank of any district in which the applicant financing institution is operating and shall be submitted by such Federal Reserve Bank to the Industrial Advisory Committee of such district. Such application may be made on a form furnished for that purpose by the Federal Reserve Bank and must contain or be accompanied by such information, agreements, and documents as the Federal Reserve Bank may require.

(c) *Existence and amount of losses.* The Federal Reserve Bank shall be deemed to have sustained a loss upon any obligation acquired from a financing institution in accordance with the provisions of this section of this Part whenever the board of directors of the Reserve Bank, after investigation, shall have determined that such obligation or any part thereof is a loss and the Reserve Bank shall have charged off of its books the amount so determined to be a loss, subject to review by the Board of Governors of the Federal Reserve System. The amount of loss in any such case shall be deemed to be the amount so charged off, together with unpaid interest thereon. Such financing institution shall reimburse the Federal Reserve Bank for the portion of such loss for which such financing institution shall have obligated itself, with interest on such portion of such loss until the date of such reimbursement. If any recovery be realized on the amount of the loss ascertained in accordance with this subsection, such financing institution and the Federal Reserve Bank shall be entitled to share pro rata in the amount so recovered.

§ 219.2 *Direct transactions by Federal Reserve Banks with established industrial or commercial businesses*—(a) *Legal requirements.* A Federal Reserve Bank may exercise its authority to make loans to or purchase obligations of an established industrial or commercial business having an office or place of business in its district or to make commitments with respect thereto under subsection (a) of section 13b of the Federal Reserve Act: (1) in exceptional circumstances pursuant to the authority hereinafter granted by the Board of Governors of the Federal Reserve System; (2) when it appears to the satisfaction of the Federal Reserve Bank that such established industrial or commercial business is unable to obtain requisite financial assistance on a reasonable basis from the usual sources; (3) for the purpose of providing such established industrial or commercial business with working capital; (4) on a reasonable and sound basis; and (5) with respect to obligations which have maturities not exceeding five years.

(b) *Authorization by Board of Governors of the Federal Reserve System.* The Board of Governors of the Federal Reserve System, pursuant to the provisions of subsection (a) of section 13b of the Federal Reserve Act, hereby authorizes every Federal Reserve Bank, until such time as the Board of Governors may revoke or modify such authority, to make loans to and purchase obligations of established industrial or commercial businesses, and to make commitments with respect thereto, subject to the provisions of the law and this part.

(c) *Applications by established industrial or commercial businesses.* An application [2] by an established industrial or commercial business for a loan to, or the purchase of the obligations of, such business, or a commitment with respect to such a loan or purchase, may be transmitted to the Federal Reserve Bank of any district in which an office or place of business of the applicant is located and shall be submitted by such Federal Reserve Bank to the Industrial Advisory Committee of such district. Such application may be made on a form furnished for that purpose by the Federal Reserve Bank and must contain or be accompanied by such information, agreements, and documents as the Federal Reserve Bank may require.

§ 219.3 *Industrial Advisory Committees*—(a) *Membership of committees.* The Industrial Advisory Committee established in each Federal Reserve district under the provisions of subsection (d) of section 13b of the Federal Reserve Act shall consist of five members actively engaged in some industrial pursuit within the Federal Reserve district in which the committee is established. The membership of such committee shall consist of persons who are familiar with the problems and needs of industry and commerce in such district.

On or before the 15th day of February of each year, the board of directors of each Federal Reserve Bank shall submit to the Board of Governors of the Federal Reserve System the names of the persons selected to serve for the ensuing year as members of the Industrial Advisory Committee of the district of such Federal Reserve Bank, and, if approved by the Board of Governors, such persons shall serve for terms of one year commencing on the 1st day of March of such year. Vacancies that may occur in the membership of such committees shall be filled in like manner, and persons appointed to fill such vacancies shall hold office for the unexpired terms of their predecessors.

(b) *Recommendations of committees.* The Industrial Advisory Committee, to which an application for any such discount, purchase, loan, advance, or commitment by the Federal Reserve Bank of the district shall have been submitted, after an examination by it of the business with respect to which the application is made and a consideration of the necessity and advisability of granting the application and of such other factors as it may deem appropriate, shall transmit the application to the Federal Reserve Bank together with the recommendation of the committee.

§ 219.4 *Aggregate amount of accommodations which may be extended by a Federal Reserve Bank.* Except with the permission of the Board of Governors of the Federal Reserve System, the aggregate amount of loans, advances, and commitments of each Federal Reserve Bank made pursuant to the provisions of section 13b of the Federal Reserve Act and outstanding, plus the amount of purchases and discounts acquired under that section and held at the same time, shall not exceed the surplus of such Federal Reserve Bank as of July 1, 1934, plus all amounts paid to such Federal Reserve Bank by the Secretary of the Treasury under subsection (e) of section 13b of the Federal Reserve Act.

§ 219.5 *Rates.* All rates in interest and of discount established by any Federal Reserve Bank with respect to loans, advances, discounts and purchases made under authority of the provisions of section 13b of the Federal Reserve Act, and all charges established by any Reserve Bank with respect to commitments made under such authority, shall be subject to review and determination of the Board of Governors of the Federal Reserve System.

§ 219.6 *Reports by Federal Reserve Banks.* Each Federal Reserve Bank shall make a daily report to the Board of Governors of the Federal Reserve System of all transactions entered into pursuant to the authority conferred by section 13b of the Federal Reserve Act on the Board's form B D 4, prescribed for the reporting of discount transactions.

§ 219.7 *Changes in regulations.* The Board of Governors of the Federal Reserve System, pursuant to the authority conferred upon it by section 13b of the Federal Reserve Act, may alter, modify, or amend the provisions of this part from time to time in its discretion.

Effective April 30, 1942.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,

[SEAL] S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-3934; Filed, May 1, 1942; 3:08 p. m.]

[2] Attention is invited to the requirements of subsections (h) and (k) of section 22 of the Federal Reserve Act with regard to material statements or overvaluation of security in connection with applications of this kind and with regard to the giving or receiving of fees, commissions, bonuses, or things of value for procuring or endeavoring to procure from a Federal Reserve Bank any credit accommodation, either directly from such Federal Reserve Bank or indirectly through any financing institution.

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Order No. 234]

PART 30—FOREIGN TRADE STATISTICS

MONTHLY REPORTS OF ENTRANCES AND CLEARANCES OF VESSELS [1]

MAY 2, 1942.

Section 30.14 is amended by the addition of the following paragraph:

§ 30.14 *Description of articles exported.*

* * * * *

[1] Foreign Commerce Statistical Decision—27.

(c) In addition to specifying the quantity in the units required by Schedule B, the gross shipping weight (in pounds) including the weight of all containers, must be stated on the shipper's export declaration. (R.S. 161, Sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

The following section is added to the Foreign Commerce Statistical Regulations:

§ 30.48 *Monthly reports of vessel entrances and clearances.* (a) Collector and deputy collectors of customs will transmit monthly the duplicate copies of Customs Form 1400, "Record of Vessels Engaged in Foreign Trade—Entered or Arrived Under Permit to Proceed" and Customs Form 1401, "Record of Vessels Engaged in Foreign Trade Cleared or Granted Permit to Proceed" to the Section of Customs Statistics, Division of Foreign Trade Statistics, Bureau of the Census, Customhouse, New York, New York. These should be transmitted as soon as possible after the close of the month and in no case later than ten days after the close of the month.

(b) Whenever there are no transactions during any particular month, a report to that effect should be rendered within the required time on Commerce Form 550—"No Transactions Report". (R.S. 161, Sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-4013; Filed, May 4, 1942; 12:01 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4691]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF WINEHOLT COMPANY, ETC.

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (ee 5) *Advertising falsely or misleadingly—Tests and investigations.* In connection with offer, etc., in commerce, of respondent's merchandise, and among other things, as in order set forth, (1) representing, directly or by implication, that respondent's watches will render satisfactory service for a period of five years, or for any other specified period of time in excess of that during which such watches will in fact render satisfactory service; (2) representing that the movements of respondent's watches are finely tested, when any tests given such movements are superficial and of short duration; and (3) using the words "Locomotive" or "Railroad" or the abbreviation "R. R.", or any other words or abbreviations of similar import, to designate, describe or refer to respondent's watches, or representing in any manner that respondent's watches are railroad watches; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wineholt Company, etc., Docket 4691, April 29, 1942]

§ 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product.* In connection with offer, etc., in commerce, of respondent's merchandise, and among other things, as in order set forth, (1) representing that the cases of respondent's watches are engraved, unless the design is cut or incised into the metal by hand; and (2) representing that the cases of respondent's watches contain gold or that they have a solid gold effect; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wineholt Company, etc., Docket 4691, April 29, 1942]

§ 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.* In connection with offer, etc., in commerce, of respondent's merchandise, and among other things, as in order set forth, representing, directly or by implication, that the prices at which respondent offers his merchandise for sale are special or reduced prices, or that such prices are applicable for a limited time only, when in fact such prices are the usual and customary prices at which respondent sells such merchandise in the normal and usual course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wineholt Company, etc., Docket 4691, April 29, 1942]

In the Matter of Mervin Wineholt, an individual trading as Wineholt Company and Mervin Wineholt Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Mervin Wineholt, individually and trading as Wineholt Company and Mervin Wineholt Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of his merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that respondent's watches will render satisfactory service for a period of five years, or for any other specified period of time in excess of that during which such watches will in fact render satisfactory service;

(2) Representing that the cases of respondent's watches are engraved, unless the design is cut or incised into the metal by hand;

(3) Representing that the movements of respondent's watches are finely tested, when any tests given such movements are superficial and of short duration;

(4) Representing that the cases of respondent's watches contain gold or that they have a solid gold effect;

(5) Using the words "Locomotive" or "Railroad" or the abbreviation "R.R.", or any other words or abbreviations of similar import, to designate, describe or refer to respondent's watches, or representing in any manner that respondent's watches are railroad watches;

(6) Representing, directly or by implication, that the prices at which respondent offers his merchandise for sale are special or reduced prices, or that such prices are applicable for a limited time only, when in fact such prices are the usual and customary prices at which respondent sells such merchandise in the normal and usual course of business.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commisison.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4003; Filed, May 4, 1942; 11:05 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals[1]

SUPPLEMENT 4[2] TO REVISION I

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), the following Supplement 4 containing certain additions to, deletions from, and amendments to The Pro-

[1] Formerly promulgated under title 32, chapter VIII.

[2] For Supp. 3, see 7 F.R. 2777.

claimed List of Certain Blocked Nationals, Revision I of February 7, 1942 (7 F.R. 855), is hereby promulgated.

By direction of the President:

CORDELL HULL,
Secretary of State.
H. MORGENTHAU, Jr.,
Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director,
Board of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

MAY 1, 1942.

GENERAL NOTES: (1) The Proclaimed List is divided into two parts: part I relates to listings in the American republics; part II relates to listings outside the American republics.

(2) In part I titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

If the title includes a full personal name, that is, a given name or initial and the surname, the title is listed under the *surname.*

Personal name prefixes such as de, la, von, etc., are considered as part of the surname and are the basis for listing.

The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in other languages:

Compañía; Cía.; Comp.
Compañía Anónima; C. A.; Comp. Anón.
Sociedad; Soc.
Sociedad Anónima; S. A.; Soc. Anón.

(3) The indication of an address for a name on the list is not intended to exclude other addresses of the same firm or individual. A listed name refers to all branches of the business in the country.

PART I—LISTINGS IN AMERICAN REPUBLICS

ADDITIONS

Argentina

Agencia Burgos.—La Quiaca, Jujuy.

Bernhardt, Hans.—Azcuenaga 1360, Vicente López, F. C. C. A.

Borchardt y Cía., S. de R. L.—Moreno 369, Buenos Aires.

Brugues, Antonio.—Cerrito 330, Buenos Aires.

Burgos, F. Isaías.—La Quiaca, Jujuy.

Casa Stolzenberg.—Reconquista 358, Buenos Aires.

Comino y Cía., Pablo.—Callao 35, Buenos Aires.

Dieringer, Otto.—Alsina 531, Buenos Aires.

Editorial La Mazorca.—Piedras 338, Buenos Aires.

Establecimientos Iguazú, S. de R. L.—Herrera 2097–2111, Buenos Aires.

F. I. R. C. A., Fábrica e Instaladora para Refrigeración y Calefacción Argentina de Responsibilidad Ltda.—Rivadavia 719–23, Buenos Aires.

Fábrica e Instaladora para Refrigeración y Calefacción Argentina de Responsibilidad Ltda.—Rivadavia 719–23, Buenos Aires.

Frommhold, Humberto.—San Martín 66, Buenos Aires.

Garcia, Sánchez y Cía.—Belgrano 1441, Buenos Aires.

Gonçalves, Antonio.—Sarmiento 320, Buenos Aires.

Imprenta Beu.—Moreno 369, Buenos Aires.

"La Protectora", Compañía de Seguros.—Corrientes 330, Buenos Aires.

Mammes, Bernhard.—Alsina 2196, Buenos Aires.

Mieth, Germán.—Bartolomé Mitre 2224, Buenos Aires; and Constitución 750, Haedo.

Nagrassus y Cía., Emilo.—Reconquista 358, Buenos Aires.

Nehab & Winter.—Santiago del Estero 386, Buenos Aires.

Ottonello y Cía.[*]—Corrientes 4757, Buenos Aires.

Pieper & Otto.—Moreno 451, Buenos Aires.

Ranger, Jacobo.—Puerto Monte Carlo, Misiones.

Rihaco, S. de R. L.—Belgrano 1470, Buenos Aires.

Shore, León.—Bartolomé Mitre 3927, Buenos Aires.

Van Rossum, Ernesto.—Santiago del Estero 532, Buenos Aires.

Van Rossum, Juan M.—Santiago del Estero 532, Buenos Aires.

Weygand, Ernesto.—Florida 229, Buenos Aires.

Bolivia

Fábrica Nacional de Alcoholes.—La Paz.

Hertzog, Carlos.—La Paz.

Ismael Akileh, Emilio.—Oruro.

Ismael Akileh, Hach.—Oruro.

Ismael Akileh, Moussa.—Oruro.

Ismael y Cía., H.—Oruro.

"La Papelera" de J. Von Bergen.—La Paz.

Luján, Macedonio.—La Paz.

Tienda El Blanco y Negro.—Oruro.

Brazil

Empreza Nacional de Navegação Hoepcke.—Florianópolis, and all branches in Brazil.

Estaleiro Arataca.—Florianópolis.

Organização Carsel Ltda.—Rua Portugal 9, Bahia.

Truppel e Cia.—Caixa Postal 29, São Francisco do Sul, Santa Catharina.

Westphalen e Cia.—Rua da Allemanha 36, Bahia.

Chile

Albingia Versicherungs Aktiengesellschaft—Urriola 332 (Casilla 2060), Valparaiso.

Allianz und Stuttgarter Verein Versicherungs A. G.—Esmeralda 1013, Valparaiso.

Andersen Leibbrandt, Pablo.—Prat 340, piso 2, Antofagasta.

Apey Méndez, Carlos.—Cochrane 238 (Recreo), Viña del Mar.

Bevilacqua C., Juan.—Quilpué.

Bobillier B., Guillermo.—Gay 3040 y Bandera 60, Santiago.

Boccardo A., José.—Quilpué.

Chilena de Comercio Ltda., Soc.—Prat 647 (Casilla 1804), Valparaiso.

Correa Lagos, Alfonso.—Calle 8 Norte 803, Viña del Mar.

Costa V., Enrique.—Quilpué.

Deutsche Zeitung für Chile.—Merced 673, Santiago.

Editorial "Cultura".—Huérfanos 1165, Santiago.

El Diario Relámpago.—Santiago.

El Suplemento del Diario Alemán.—Merced 673, Santiago.

Floegel, Josef.—Errázuriz 845, Punta Arenas.

Fuentes Parra, Francisco Javier.—Huérfanos 1165, Santiago.

Gerlach Straube, Hans.—Bolívar 352, Iquique.

Gerlach y Cía., Ltda.—Bolívar 352 (Casilla 9–D), Iquique and Arica.

"Germania y Araucania", Compañía de Seguros.—Esmeralda 1015, Valparaiso.

Gross, Federico.—Estado 378, Santiago.

Grunwaldt B., Guillermo.—Merced 673, Santiago.

Hampel y Kosiel, Ltda.—Santo Domingo 1031, Santiago.

"La Araucania", Compañía de Seguros.—Esmeraldas 1015, Valparaiso.

"La Confianza," Compañía de Seguros.—Blanco 1002, Valparaiso; and Huérfanos 1151, Santiago.

"La Germania", Compañía de Seguros.—Esmeralda 1015, Valparaiso.

Lampe, Emilio.—Blanco 1395 (Casilla 933), Valparaiso.

Librería Cultura—Huérfanos 1165, Santiago.

Mayer N., Walter.—Casilla 271, Osorno.

Mirando al Oriente.—Huérfanos 1165, Santiago.

Molinos y Fideos Carozzi, Cía.—Quilpué.

Morán Acevedo, Sergio.—Santo Domingo 3669, Santiago.

Nord-Deutsche Versicherungs Gesellschaft.—Alm. Gómez C. 150, Valparaiso.

"PACH".—Bandera 60, Santiago.

Presna Asociada Chile.—Bandera 60, Santiago.

Robba O., Julio.—Quilpué.

Roeschmann, Guillermo.—Roble 735, Chillán; and Calle 5 Oriente, 1½ Norte, Talca.

Schaetz, Conrado Paul.—Bandera 521, Santiago.

Seguros Aachen y Munich, Cía., de.—Blanco 869, Valparaiso.

Seguros La Mannheimer, Cía. de.—Alm. Gómez C. 150, Valparaiso.

20 (Twenty) Naciones.—Huérfanos 1165, Santiago.

20 (Veinte) Naciones.—Huérfanos 1165, Santiago.

Veloz Santa Cruz, Alberto.—Huérfanos 1165, Santiago.

Weiler Fluyth, Hans.—Plaza Bulnes 31, Departamento 56, Santiago.

Weiler y Cía., Ltda.—Agustinas 958, Santiago.

Witt, Marton (Mrs.).—Punta Arenas.

Colombia

Abuchaibe, Antonio.—Ríohacha.

Almacén Stanford.—Calle 13 No. 7–20, Bogotá.

Hoffman, Hans.—Barranquilla.

Industria de Perfumes.—Comercio, Policarpa, Mercado, Barranquilla.

Jaspersen Carrasco, Adolfo.—Bogotá.

[*] Not to be confused with Ottonello Hermanos y Cía., Peru 330, Buenos Aires.

Joyería París.—Calle Junín, Medellín.
Leidner, Carlos.—Joyería París, Calle Junín, Medellín.
Neumann, Hellmut.—Cali.
Neumann, Roberto.—Cali.
Salgueiro, Antonio.—Comercio, Policarpa, Mercado, Barranquilla.
Zollia, Giordano.—Bogotá.

Costa Rica

El Bolsín.—San José.
Farmacéutica Oreamuno Flores S. A., Cía.—Cartago.
Gran Hotel Plaza.—San José.
Rojas, Rafael.—San José.

Cuba

Durán, R. M.—Cristo 22, Habana.
Wagner, Aurelio.—Habana 560, Habana.

Dominican Republic

Escovar Hurtado, Rafael.—Santiago.
Sotomayor, Emeterio. — Ciudad Trujillo.

Ecuador

Bittner & Voegli.—Guayaquil.

El Salvador

Caruso, Pascual.—San Salvador.
Caruso, Vittorio.—San Salvador.
Ferretera, Cía. — Calle Arce, esquina Avenida España (Apartado 266), San Salvador.
Schafer, Felix.—San Salvador.

Guatemala

Central American Trading Company.—Guatemala, Guatemala.
Comercial y Agrícola de Guatemala, Cía.[4]—Guatemala, Guatemala.
Huber, Francisco.—Antigua.
Kownatzki, Gustavo.—Guatemala, Guatemala.
Nottebohm, Federico.—Guatemala, Guatemala.
Nottebohm, Karl Heinz.—Guatemala, Guatemala.
Nottebohm, Mary Stolz de.—Guatemala, Guatemala.
Weller, Felipe. — Guatemala, Guatemala.

Haiti

Masucci, Hector.—Cap Haitien.

Mexico

Artículos para Farmacias y Hospitales, S. de R. L.—Zuazua Sur 933, Monterrey.
Babatz, Guillermo E.—Abasolo 954, Monterrey.
Botica San Francisco.—M. M. del Llano 531 Oriente, Monterrey.
Bremer, Elsa (Mrs.).—Apartado 116, Monterrey.
Cantú, Manuel T.—M. M. del Llano 531 Oriente, Monterrey.
Gaehd, César.—Zuazua Sur 933, Monterrey.
Gaehd Garza, Ramón.—Zuazua Sur 933, Monterrey.
German Photo & Movie Supply Co., S. de R. L.—Cante 3-B, México, D. F.
Guldner, Ricardo.—Canta 3-B, México, D. F.
Gulf Shipping Company.—San Juan de Letrán 13, México, D. F.
Heinrichsen, H. (Dr.).—Calzada de la Viga 54, México, D. F.
Herlinda.
Jaffre, Melanie (Melly) Moebius de.—Zuazua Sur 933, Monterrey.
Koch, Arturo.—Edificio La Nacional, Monterrey.
Kruse, Guy P.—Venustiano Carranza 94, México, D. F.
"La Japonesa".—3a Zaragoza y Fuente (Apartado 115), San Luis Potosí.
Olbrich, Erich (Dr.).—Havre 35, México, D. F.
Productos Noeh. — López 35, México, D. F.
Propulsora Minera, S. A.—México, D. F.
Terreños y Casas, S. A.—Edificio La Nacional, Monterrey.
Tolteca.
Westphal, Hermann.—Uruguay 45, México, D. F.
Wolff, Walter.—Torreón.

Peru

Aimoto, Richard.—Motupe, Chiclayo.
Akagui, M.—Doña Elvira 872, Lima.
Aoki, T.—San Vicente de Cañete.
Arai, J.—Hacienda Chúcupe, Chiclayo.
Arakaki y Cia., Luis.—Santa.
Aray, K. & S.—Ascope and Trujillo.
Arima, Carlos.—Lima.
Azama, K.—Barranca.
Chinen, M.—Huaral.
De Freitas, Carlos.—Iquitos.
Demen, Guillermo.—Motupe, Chiclayo.
Endo, Francisco.—Chimbote.
Fábrica de Tejidos de Punto Rex.—Lima.
Ferretería y Vidriería Cuzco-Emmel Hnos. y Cía.—Cuzco.
Fuchiyama, M. K.—Huacho.
Fujimoto, Y.—Imperial.
Fujita, U.—San Luis de Cañete.
Fullimoto, Y.—San Vicente de Cañete and Imperial de Cañete.
Fusumada, Manuel.—Lima.
Gushiken, K.—Lima.
Hachimine, S.—Lima.
Higa, Seise.—Ayacucho 1200, Lima.
Higa, Y.—Miraflores.
Higa e Hijo, M. — Jequetepeque, Pacasmayo.
Higashida, K.—Lima.
Higuchi, M.—Paramonga.
Hirakawa, T.—La Oroya.
Hishikawa, M.—Avenida Merino 2098, Lima.
Ichikawa, Manuel.—Trujillo.
Ikeda, Julio.—Lima.
Ikeda, Víctor.—Arequipa.
Ikenaga, Víctor.—Jauja.
Inayoshi, Alejandro.—Colón 598, Callao.
Ishibashi, M.—Callao.
Isuji, Kizabro.—Lima.
Jiramatsu, T.—Lima.
Jonda, S.—Andahuasi.
Kamichi Hnos., M.—Lima.
Kamiya, K.—Jirón Abancay 964, Lima.
Kanamori, Eduardo.—Lima.
Kanamori, S.—Lima.
Kanashiro, Antonio.—Santa.
Kanashiro, Kotaro.—Santa.
Kano, Naogiro.—Ascope.
Kato, K.—Lima.
Katsuki, Yukiji.—Lima.
Kawanishi, Antonio.—La Huaca.
Kawata, Luis.—Ica.
Kaway Hnos., M.—Avenida Iquitos 1100, Lima.
Kigoshi, Alfredo.—Nepeña, Chimbote.
Kikigawa, D.—Juliaca.
Koisumi, Tomiji.—Casa Grande, Trujillo.
Konno, J.—Plaza Buenos Aires 873, Lima.
Konno, Pedro S.—Siete Jeringas 801, Lima.
Kuriwara, K.—Huaral.
Kuroki, Jorge.—Chulucanas, Piura.
Kutsuma, José.—Conquistadores 200, San Isidro.
Makimoto, José.—Pisco.
Makino, S.—Chicherias 432, Lima.
Matayoshi, J.—Ica.
Matayoshi, K.—Constitución 794, Callao.
Matsukawa, S.—Mercado 419, Callao.
Matsuura, H.—Mercado Central, puesto 66, Lima.
Matsuura, M.—Concepción, Lima.
Matuda, Victor F.—Jauja.
Matzumoto, Pedro M.—Huacho.
Mayshiro, G.—F. Pizarro 471, Lima.
Minagawa, U.—Huancayo.
Minami, Antonio.—Huacho.
Mirakami, Y.—Chimbote.
Mitsumatsu y Hnos., V.—Cuzco 633, Lima.
Miura. J.—San Nicolás.
Miyagui, G.—Miraflores.
Miyakawa, Sadeshi.—Wáshington 476, Lima.
Miyake, Manuel.—Trujillo.
Miyamoto, Jacinto C.—Paita.
Miyamoto, Juan.—Pisco.
Miyano, A. R.—Callao.
Miyasato, Antonio.—Callao.
Miyasato, T.—Angamos 1000, Lima.
Miyasato, Ushi.—Minas 200, Lima.
Miyashiro, R. S.—Lima.
Miyata, Luis G.—Chimbote.
Mochizu, Tombo.—Wáshington 402, Lima.
Momojara y Hno., J.—Huacho.
Moromisato, Ansey.—Lima.
Mosaka, M.—Huacho.
Mukakami, I.—Chimbote.
Murakami, B.—Mercado de la Aurora 307, Lima.
Murakami, Eduardo.—Pativilca.
Muranaka e Hija, Fumi.—Tarma.
Murata, T.—Lima.
Murayama, Francisco.—Lima.
Murayama, S.—Lima.
Nagahama, Seshin.—Pisco.
Nagai, Chiri.—Lima.
Nakamura, S.—Chiclayo.
Nakao, H.—Callao.
Nakasaki, Roberto.—Ferreñafe, Chiclayo.
Nakazone, Roberto.—Jirón Trujillo 798, Lima.
Nishino, Y.—Barranco.
Nochi, Takechi.—Pachitea 347, Lima.
Nogumi, K.—Pativilca.
Nohara, Julio K.—Callao.
Nonegawa, José.—Supe.
Nose, M.—Pativilca.
Novata, H. & M.—Huacho.
Obara, N.—Barranca.
Oda, Manuel.—Puno.
Ogata, José H.—Jauja.
Ogata, M. T.—Supe.
Ogata, T.—Lima.
Ogata, Zenegaro.—Guadalupe.
Okabe, Miguel.—Ica.
Okada, S.—Paita 204, Lima.
Omori, Carlos K.—Almirante Guisse 840, Lima.

[4] Not to be confused with Compañia Agricola de Guatemala.

Onaga, M.—Avenida Progreso 857, Lima.
Onaga, Hno., R.—Huallaga 794, Lima.
Orihashi, Samuel.—Morococha.
Oshima y Cía., J.—Huaral.
Oshiro, R. S.—Callao.
Ota, Enrique E.—Puno.
Palacios, Gerardo.—c/o La Química Bayer S. A., Lima.
Ponce de León, Oscar.—Lima.
Saisho, S.—Avenida Olaya 217, Chorrillos.
Sakaguchi, S.—Pativilca.
Sampei, U.—Huacho.
Sato, Naokichi.—Siete Jeringas 870, Lima.
Shiga, Y.—Jauja.
Shigueta, M.—Pativilca.
Shijo, Miguel.—Jauja.
Shikima, S.—Jirón Sucre 299, Callao.
Shimabuku, K.—Mercado 242, Callao.
Shimbo, Adoriano.—Casapalca.
Shimooda, Carolina C. viuda de.—Chimbote.
Shimooka y Cía., Harso.—Trujillo 439, Lima.
Shingaki, T.—Huaral.
Shinke, S.—Huaral.
Shinya, K.—San Luis de Cañete.
Shinzato, S.—Mercado 435, Callao.
Shumabuko, K.—Callao.
Sivata, H.—Trujillo.
Soken, C.—Callao.
Suchiro, José.—Lima.
Sugano, Y.—Huacho.
Suguiyama y Cía., Siguero.—Pachitea 345, Lima.
Susuki y Cía., I.—Abancay 1062, Lima.
Tajara, Antonio.—Pisco.
Takajara, J.—Arequipa.
Takano, K.—Lima.
Takata, Victor.—Cuzco 777, Lima.
Takayanagui, J.—Lima.
Takizawa, Sadao.—Oroya.
Tanabe, Regi.—Pacasmayo.
Tanaka, Carlos.—Chepen, Pacasmayo.
Tanaka, F.—Lima.
Tanaka, Yoshida.—Puno.
Teruya, S.—Lima.
Toghashi, Goro.—Pativilca.
Tomioka, Antonio.—La Oroya.
Tsuboyama, Carlos Y.—Arequipa 695–699 y 501–505, Lima.
Tsuchikame, J. T.—Hoyos 848, Lima.
Tsuchiya Hnos.—Unión 100, Lima.
Tsukayama, T.—Huaral.
Uchimi, S.—Doña Elvira 1100, "La Confianza", Lima.
Uchiyama, Rafael.—Chiclayo.
Ueda, A. K.—Jauja.
Uesu, Ysuhiro.—Avenida Grau 99, Barranco.
Ujike, S.—Abancay 700, Lima.
Umetzu, Miguel Z.—Avenida Manco Capac 598, Lima.
Wakamatzu, Ichisi.—La Viña, Chiclayo.
Watanabe, José M.—El Alto.
Watanabe, Ricardo.—La Huaca, Piura.
Weisaki, Alfredo.—Ferreñafe, Chiclayo.
Yagihashi, Carlos U.—Huaral.
Yagui, Seizon.—Huacho.
Yamamoto, Juan.—Pisco.
Yamamoto, T.—Lima.
Yamanaka, y Cía., Y.—Ayacucho 867, Lima.
Yamazato Hnos.—Avenida Arica 330, Lima.
Yanagui, Carlos.—Chiclayo.
Yanay, Y.—Chimbote.
Yano, S.—Mercado 6, Barranco.
Yashiro, Daniel.—Chongoyape, Chiclayo.
Yasuda, Y.—Trujillo.
Yata, Francisco K.—Sullana.
Yogui Hno., Jitsusei.—Lima.
Yokota, Francisco S.—Lima.
Yoneyama, K.—Jirón Azángaro 974, Lima.
Yoshida, Tanaka y Cía.—Puno.
Yoshimoto, Francisco.—Tarma.
Yoshinaga, E.—Lima.
Yoshio, Gondo.—Cañete.
Yrey, T.—Arzobispo 205, Lima.
Yusa, D.—Mercado Central 81, Lima.
Ywasaki, S.—Supe.
Zuzuki, Matute.—Motupe, Chiclayo.

Uruguay

Avenatti, Constante.—Faustino Carámbula 1186, Rivera.
Berger, Francisco (Franz).—Camine Tokinson 2459, Montevideo.
Bonamico, Cándido.—Mercedes.
Cánepa y Cía., A.—Avenida Millán 2370, Montevideo.
Cine Teatro de Verano.—Mercedes.
El Riverista.—Faustino Carámbula 1186, Rivera.
Forker, Werner.—c/o Eugenio Barth y Cía., Sucrs., 25 de Mayo 731–7, Montevideo.
Giffoni, Blás (Biagie).—Uruguay 820, Montevideo.
Gil, Luis G.—Avenida Sarandí 873, Rivera.
Leemann, Enrique.—Juan Carlos Gómez 1513, Montevideo.
Leemann y Cía., Roberto.—Juan Carlos Gómez 1513, Montevideo.
Leopold y Cía., Carlos.—Uruguay 786, Montevideo.
Rabe, Fritz A.—Misiones 1487, Montevideo.
Racine y Schmidt.—Juan Carlos Gómez 1431, Montevideo.
Radio Artigas (CX 34).—Avenida Millán 2370, Montevideo.
Radio Continental (CXA 2).—Camino Carrasco 5151, Montevideo.
Radio Uruguay (CX 26).—Avenida Millán 2370, Montevideo.
Ricca, Sergio, Nantillo.—Rincón 472, Montevideo.
Talleres Gráficos "El Riverista".—Faustino Carámbula 1186, Rivera.
Von Metzen, Alfredo.—Estancia "La Favorita", Estación Quebracho F. C. M., Departamento de Paysandú.
Von Metzen, Carlos (hijo).—Fábrica de Azulejos, Empalme Olmos.

Venezuela

Bello & Co.—La Guaira.
Fábrica de Sombreros.—Valencia.
Gómez Luigi, Domingo (Dr.).—Candelaria a Miquelacho 16, Caracas.
Horn, Lotte Schirmer de.—Valencia.
Horn, Otto.—Valencia.
Martens, Philip.—Apartado 573, Maracaibo.
Rayhrer & Willson.—Gradillas a Sociedad 15–1, Caracas.
Schirmer, Otto.—Valencia.
Schirmer, Sucrs., Otto.—Valencia.
Vogel, Johann.—Apartado 1712, Caracas.
Vogel y Cía.—Apartado 1712, Caracas.

AMENDMENTS

Argentina

Relative to González y Cía.—Florida 501, Buenos Aires, *see* footnote 1.

For Kirschner, Erico.—Bartolomé Mitre 852, Buenos Aires; *substitute* Kirchner, Erico.—Bartolomé Mitre 858, Buenos Aires.

Bolivia

For Ballivián, B. Tores.—La Paz; *substitute* Torres Ballivián, B.—La Paz.
For Kawamura, I.—Comercio 322 (Casilla 720), La Paz; *substitute* Kawamura, Y.—Comercio 322, La Paz.
For Kawamura, Isaac.—Mercado 216, La Paz; *substitute* Kawamura, Isaac.—Comercio 322 (Casilla 720), La Paz.

Brazil

For Agía Photo.—Rua Dom Gerardo 42, Rio de Janeiro, and all branches in Brazil; *substitute* Agfa Photo, A Chimica Bayer, Ltda.—Rua Dom Gerardo 42, Rio de Janeiro, and all branches in Brazil.
For Arruda, V. Humberto.—Rua Candelaria 86, Rio de Janeiro; *substitute* Arruda, Vicente Humberto.—Rua Candelaria 86, Rio de Janeiro.
For Dubois e Cia., E.—Rua da Alfandega 74, Rio de Janeiro; *substitute* Dubois e Cia., W.—Rua da Alfandega 74, Rio de Janeiro.
For Heidelman & Co.—Praça Antenor Navarro 35–50, João Pessôa, Parahyba; *substitute* Heidelmann e Cia., E. A.—Praça Antenor Navarro 36–50, João Pessôa, Parahyba.
For Riedel, J. D.—Travéssa Santa Rita 24, Rio de Janeiro; and São Paulo, *and* de Haen e Cia., Ltda., E.—Travéssa Santa Rita 24, Rio de Janeiro; and São Paulo; *substitute* Riedel, J. D.-E. de Haen e Cia., Ltda.—Travéssa Santa Rita 24, Rio de Janeiro; and São Paulo.
For Silva, Amado Amandio.—Rua Conselheiro Saraiva 41, Rio de Janeiro; *substitute* Amado, Amandio Silva.—Rua Conselheiro Saraiva 41, Rio de Janeiro.
For Trepper e Costa.—Rua General Camara 19, Rio de Janeiro; *substitute* Trepper e Cia., Ltda.—Rua 12 de Março 39, Rio de Janeiro.
For Zeiss, Carl.—Rua dos Benedictinos 21, Rio de Janeiro, and all branches in Brazil, and Optica, Ltda., Soc.—Rua dos Benedictinos 21, Rio de Janeiro, and all branches in Brazil; *substitute* Zeiss Sociedade Optica Ltda., Carl.—Rua dos Benedictinos 21, Rio de Janeiro, and all branches in Brazil.

Chile

For Feldrape, E.—Hotel Cosmos, Magallanes; *substitute* Feldrape, Ernst.—Hotel Cosmos, Magallanes.
For Rensinghoff y Cía., Wilhelm.—Varas 350, Puerto Montt; *substitute* Rensinghoff, Wilhelm y Cía.—Varas 350, Puerto Montt.

Colombia

For Herwig, C. W.—Bogotá; *substitute* Herwig, Carl Wilhelm.—Bogotá.
For Lemcke, H.—Barranca Bermeja; *substitute* Lemcke, Herber.—Barranca Bermeja.
For Von Graefe, H.—Pereira; *substitute* Von Graefe, Hans.—Pereira.

Costa Rica

For Kawakuba, Jycho.—San José; *substitute* Kawakubo, Daizo Jyoho.—San José.

[1] Not to be confused with R. H. González & Co., Cangallo 315, Buenos Aires.

For Lapeira, Nicolás (Sucesor de Lapeira y Aguilar).—Apartado 616, San José; *substitute* Lapeira C., Nicolás (Sucesor de Lapeira y Aguilar).—Apartado 616, San José.

For Metzger, Gabriela.—San Juan Poas; *substitute* Metger, Gabriela.—San Juan Poas.

For Rothe, Fernando.—San José; *substitute* Rothe, Fernando H.—San José.

For Surroco, Pedro.—San José; *substitute* Surroca, Pedro.—San José.

Cuba

For Valiño, Joaquín Díaz.—San Rafael 263, Habana; *substitute* Díaz Baliño, Joaquín.—San Rafael 263, Habana.

Dominican Republic

For Pogson Sucrs., Charles.—Ciudad Trujillo; *substitute* Pogson Sucrs., Charles A.—Ciudad Trupillo.

Ecuador

For Duffer, E.—Esmeraldas; *substitute* Duffer, Enrique.—Esmeraldas.

For Panse, A.—Guayaquil; *substitute* Panse, Arnold.—Guayaquil.

For Woehlermann, Walter.—Casilla 788, Quito; *substitute* Woehlermann, Walter (Jr.).—Casilla 788, Quito.

El Salvador

For Krutz, José.—Santa Ana; *substitute* Kreutz, José.—Santa Ana.

For Szaratte, Otto R.—3a Calle Poniente 18, San Salvador; *substitute* Szaratta, Otto.—3a Calle Poniente 18, San Salvador.

Guatemala

For Stäbler, Gottlieb.—10a Calle Oriente y Pasaje Coloma, Guatemala, Guatemala; *substitute* Stäbler, Gottlieb M.—10a Calle Oriente y Pasaje Coloma, Guatemala, Guatemala.

For "Viena" Pandería y Pastelería.—5a Avenida Sur 20, Guatemala, Guatemala; *substitute* Panadería y Pastelería "Viena".—5a Avenida Sur 20, Guatemala, Guatemala.

Haiti

For Wahl, H. G.—Port-au-Prince; *substitute* Wahl, H. C.—Port-au-Prince.

Mexico

For Ferretería La Palma.—Guadalajara; *substitute* Ferretería La Palma, S. A. de C. V.—Avenida Colón y López Cotilla, Guadalajara.

For Hector y Yamada.—Guadalajara, *and* Yamada, Hector Y.—Galeana 221, Durango; *substitute* Yamada, Hector Y.—Galeana 221, Guadalajara.

For Iijima, Ricardo S.—Manzanillo; *substitute* Iijima, Ricardo S.—Guadalajara, Jalisco.

For Iijima, Ricardo S. (Jr.).—Manzanillo; *substitute* Iijima, Ricardo S. (Jr.).—Guadalajara, Jalisco.

For "La Ciudad de Tokyo".—Guadalajara; *substitute* "La Ciudad de Tokio".—Pedro Loza 19, Guadalajara.

For Máquinas de Escribir Olympia, S. A.—Isabel la Católica 40 (Apartado 1933), México, D. F.; *substitute* Olympia, S. A.—Isabel la Católica 40 (Apartado 1933), México, D. F.

For Minakata y Cía.—Guadalajara; *substitute* Minakata y Cía., S. A.—Avenida Inglaterra 1, Guadalajara.

For Naito, Hachiro.—Manzanillo; *substitute* Naitoh, Hachiro.—Pihuamo, Jalisco.

For Nakamura, María G.—Manzanillo; *substitute* Nakamura, María Gómez.—Manzanillo.

For Umababa, Tokichi. — San Luis Potosí; *substitute* Umaba Baba, Tokichi.—3a Zaragoza y Fuente (Apartado 115), San Luis Potosí.

For Von Imhoff, R.—Dr. Mora 9, México, D. F.; *substitute* Von Imhoff, Rupert.—Dr. Mora 9, México, D. F.

Peru

For Hardt y Cía., E.—Ayacucho (Antonio Miró Quesada) 396, Lima, *substitute* Hardt y Cía., E.—Ayachucho (Antonio Miró Quesada) 396, Lima and all branches in Peru.

For Kikua de Eto.—Piura; *substitute* Kikue de Eto.—Piura.

For Macki U. y Cía.—Hda. Tumán; *substitute* Maoki y Cía., U.—Chiclayo.

Uruguay

For Fuhrmann, Ltda.—Rondeau 2126, Montevideo; *substitute* Fuhrmann, Sociedad Anónima Financiera y Comercial.—Rondeau 2126, Montevideo.

Venezuela

For Guevara, Juan M.—Apartado 1412, Caracas; *substitute* Guevara Reyes, Juan M.—Apartado 1412, Caracas.

For Urdaneta y Cía., Sucrs., Arecio.—Avenida Sur 27, Caracas; *substitute* Urdaneta y Cía., Sucrs., A.—La Rosa de Oro, Dr. Paul a Salvador de León No. 57, Caracas.

DELETIONS

Argentina

Decker, Guillermo.—Sarandí 1329–53 Buenos Aires.

"Moldavia", S. de R. L.—Corrientes 2551, Buenos Aires.

Bolivia

Nielsen-Reyes y Cía.—Mercado 88 (Casilla 822), La Paz.

Penso, Oni.—Santiwañez 62 (Casilla 161), Cochabamba; and La Paz.

Brazil

Daarnhouwer e Cia., Agencia da Bahia.—Caixa Postal 249, Bahia.

Colombia

Fábrica de Pastas Alimenticias "La Insuperable".—Bolívar y Topacio (Apartado Nacional 226 y Apartado Aéreo 62), Barranquilla, and all branches in Colombia.

Garavito, Ramón.—Pereira.

"La Insuperable" Fábrica de Pastas Alimenticias.—Bolivar y Topacio (Apartado Nacional 226 y Apartado Aéreo 62), Barranquilla, and all branches in Colombia.

"Lys" S.A.—

Mancini, Adalgiso.—Barranquilla.

Mancini, Generoso.—Bolivar, Topacio (Apartado Nacional 226 y Apartado Aéreo 62), Barranquilla, and all branches in Colombia.

Siegert, Christian.—Bogotá.

Tanaka, Johatan.—Cali.

Dominican Republic

Productos Dominicanos, C. por. A., Cia. de.—Santiago.

Guatemala

Finca "Las Amalias".—Patalul, Suchitepequez.

Finca "Las Luces".—Tumbador, San Marcos.

Finca "Nahuatancillo".—Tumbador, San Marcos.

Finca "Thuringia".—San Miguel Panam, Suchitepequez.

Mohr, Max Christian Johannes.—Tumbador.

Widmann, Carl (Sr.).—8a Avenida Sur 47 y 13a Calle Oriente 7, Guatemala, Guatemala.

Peru

Gómez Díaz Ufano, Leandro.—Junín 291, Miraflores, Lima.

Ufano, Leandro Gómez Díaz.—Junín 291, Miraflores, Lima.

Uruguay

Intercambio Comercial Uruguay-Japón, S. A., Cía.—Sarandí 659, Montevideo.

Zanzi, Mario Alberto.—Sarandí 659, Montevideo.

PART II—LISTINGS OUTSIDE AMERICAN REPUBLICS

ADDITIONS

Portugal and Possessions

Portugal

A. Transportadora Ltda. (Owners of s.s. "Transportadora" ex "Trevo Segundo").—Rua Augusta 188, Lisbon.

Agro-Pecuaria Ltda., Soc.—Rua Augusta 280, Lisbon.

Brumm, Johann Heinrich Erwin.—Rua da Prata 51 and 59, Lisbon.

Ciclame, Agencia—Porfirio & Ferreira Ltda.—Rua Garrett 74, and Estrada do Calharez de Benfica, Lisbon.

Coveiro, Jose Martins Mendes.—Rua dos Espingardeiros, Moura.

Ferreira, Fernando Simoes.—Rua Garrett 74, and Rua Luz Soriano 90, Lisbon.

Ferreira, Manuel Mendes "Casa Ferreira".—Rua da Rosa 185, Lisbon.

Figueiredo, Fernando.—Rua de Passos Manuel 99, Lisbon.

Finlandia, Casa da.—Rua da Palma, Lisbon.

Flecha, Doroteo.—Beja (Alentejo).

Frazao, Fernando.—Largo Tito Fontes 672, Oporto.

Goti, Alfredo.—Avenida Palace Hotel, Lisbon.

Graef, Max.—Rua da Prata 51 and 59, Lisbon.

Kantor, Samuel.—Ave. Santos Dumont 67, Lisbon.

Lueddeke, Juan.—Hotel Atlantico, Estoril, Lisbon.

Marques, Norberto.—Rua Augusta 188, Lisbon.

Pontes Ltda., Jose Correia.—Rua Nova de Levante 87–89, and Rua Manuel Tome Viegas Vaz 2–4, Olhao.

Porfirio & Ferreira Ltda. (Agencia Ciclame).—Rua Garrett 74, and Estrada do Calharez de Benfica, Lisbon.

Porst Ltda., Kurt.—Rua da Prata 51 and 59, Lisbon.

Quinta da Alegria.—Carregado, Alenquer.

Reich, Ernesto.—Rua Damasceno Monteiro 67A, Lisbon.

Ribeiro, Porfirio Marques.—Rua Garrett 74, Lisbon; and at Santarem.

Rimoldi, Angelo.—Avenida Palace Hotel, Lisbon.
Richter, Erich.—Palacio Hotel, Estoril, Lisbon.
Rodrigues, Antonio Fraga.—Rua dos Pedroucas 75A, Lisbon.
Russia, Casa da.—Rua Augusta 142, Lisbon.
Sociedade de Peles e Artigos de Viagem Ltda.—Rua Augusta 142, Lisbon.
Transportadora Ltda. A.—Rua Augusta 188, Lisbon.
Universal de Transportes Ltda., Soc.—Rua dos Fanqueiros 250, Lisbon.

Angola

Fazenda Vumba.—Libolo.
Hildebrandt, Gunther.—c/o Plantacoes de Pamba Ltda., Lucala, Cazengo, Cuanza-Norte.
Moessner, Anton.—Fazenda Vumba, Libolo.
Mundt, Herbert.—Fazenda Vumba, Libolo.
Thieleke, Leo.—Calulo.

Mozambique

Toennies, Gustav.—Caixa Postal 505, and c/o Wilhelm Philippi & Co., Caixa Postal 109, Lourenço Marques.

Spain and Possessions

Spain

Aparatos de Radio Telefonia.—Hernan Cortes 13, Madrid.
Bofill Gelpi, Jaime.—San Feliu de Guixols, Gerona.
C. I. S. A.—Construcciones Industriales S. A.—General Mola 9, Madrid.
Coll, Javier.—Calle Corcega 269, Barcelona.
Construcciones Industriales S. A. (C. I. S. A.).—General Mola 9, Madrid.
Dach, Hugo.—Paseo de Gracia 50, Apartado 5039, Barcelona.
Franqueza, Jesus.—Barcelona.
Goti, Alfredo.—Ave. Jose Antonio 27, Madrid.
Grollero, Anselmo.—Calle Pintor Fortuny 3, Barcelona.
Grollero, Eugenio.—Calle Pintor Fortuny 3, Barcelona.
Grollero, Jeronimo.—Calle Pintor Fortuny 3, Barcelona.
Hammer, Johan.—Calle Ribera 1, Valencia.
Heller, H.—San Feliu de Guixols, Gerona.
Hispana-Africana de Reconocimentos Atlanticos, S. A.—Calle Sagasta 27, Madrid.
Hispano, Alemana S. L.—Calle Ribera 1, Valencia.
Ibero-Levantina S. A. "Ileva".—Huertas Altas 11, Valez-Malaga.
"Ileva" Ibero-Levantina S. A.—Huertas Altas 11, Valez-Malaga.
Incompex Ltda.—Gran Via de Germanias 47-49, Valencia.
Industrial Corchera S. A.—Apartado 14, Seville.
Jimenez Beltran, Diego.—Huerta de Almanzor, Alcala de Guadaira, Seville.
Lazard, Agustin.—Irun and Pasajes.
Lis Rausell, Federico.—Jorge Juan 8, Valencia.
Lopez Vinals, Vicente.—Burjasot, Valencia.
Lueddeke, Juan.—Madrid.
Maquineria y Aparatos de Electricidad.—Hernan Cortes 13, Madrid.
Marogna, Guido.—Ave. Jose Antonio 38, and Fuencarral 137, Madrid.
Mayer, Enrique (Heinrich).—Madrid.
Mayer von Wittgenstein, Heinrich.—Madrid.
Montes Milla, Jose.—Gran Via de Germanias 36, and 47-49, Valencia; and at Madrid.
Ordonez y Cia., Rafael.—Falda de Ulia, San Sebastian.
Perez Wosswinkel, Enrique.—Madrid.
Ranken, Guillermo.—Huelva.
Rhone-Poulenc, Importador de los Productos de la Societe des Usines Chimiques.—Calle Corcega 269, Barcelona
Roca Miro, Enrique.—Calle de Rosellon 255, Barcelona.
Schulz, Carlos.—Huertas Altas 11, Velez-Malaga.
Sierra de Gredos S. A., Cia. Minera.—Ave. Generalisimo 1, Madrid; and Gran Via 62, Bilbao.
"Specia", Importador de los Productos de la Societe Parisienne d'Expansion Chimique.—Calle Corcega 269, Barcelona.
Stinchi Zacco, Augusto.—Calle Sagasta 34, Madrid.
Talleres Zugasti.—Madrid.
"Tarsia" S. A.—General Mola 9, Madrid.
Török, Andres.—Calle Balmes 205, Barcelona.
Weickert, Bruno.—Huelva.
Wetzig, Bruno.—Huelva.
Wetzig, Weickert y Cia.—Huelva.
Yipland, Jeronimo.—Ave. Republica Argentina 70, Barcelona.
Zugasti Gil, Mariano.—Hernan Cortes 13, Madrid.
Zugasti Pellejero, Mariano.—Hernan Cortes 13, Madrid.
Zugasti S. L., Almacenes Mariano.—Hernan Cortes 13, Madrid.

Sweden

Nordiske Skinnauktioner, A/B.—Kungsgatan 16-18, Stockholm.
Nyander & Jeinsen A/B.—Parmateregatan 9, Stockholm.
Rugaard, P. A/B.—Kungsgatan 27, Stockholm.
Von Jeinsen, Carlo.—Parmateregatan 9, Stockholm.

Switzerland

Cinzano, Soc. pour L'Importation et la Vente des Produits.—Place St. Francois 2, Lausanne.
Daetwyler, Otto.—Giesshuebelstr. 62, and Limmatstr. 214, Zürich.
Fuog, Paul.—Thiersteinerallee 23, Basel.
Goedecke, Cedric.—Aeschengraben 13, Basel.
Goedecke, H. A.—Aeschengraben 13, Basel.
Goedecke, Haimo Alex.—Aeschengraben 13, Basel.
Goldray S. A.—Rue de la Cite 22, Geneva.
Haegler, Dr. Harry.—Mueschelerstr. 44, Zürich.
Intestinum A. G.—Schmidholzstr. 56, Neuewelt, Basel.
La Soudiere Suisse.—Zurzach.
Massie Verlag G. m. b. H.—Feldeggstr. 12, Zürich.
Metallverwertung A. G. fur.—Talstr. 15 Zürich.
Moeckli & Co., Otto.—Uraniastr. 35, Zürich.
Reishauer Werkzeuge A. G.—Limmatstr. 87, Zürich.
Ritz Tours.—Bern and Bienne.
Sapt A. G.—Bahnhofstr. 57a, Züruch.
Sitos A. G.—Schifflande 2, Basel.
Weidenmann, Hermann.—Bahnhofplatz 225, Chur, and Talstr. 15, Zürich.
Zennaro-Venezia, A.—Lugano.
Zürcher Lagerhaus A. G.—Giesshubelstr. 62, Zürich.

Turkey

Agit Kollektif Sirketi, Konstantino Milovic ve Mario Pari.—Eski Sarap Iskelesi 15, Galata, Istanbul; and Ikinci Kordon 72, Izmir.
Corpi (Korpi), Angelo.—Samil Sokak 3, Beyoglu, Galata, Istanbul.
Milovic, Konstantino.—Eski Sarap Iskelesi 15, Galata, Istanbul.
Pari, Mario.—Eski Sarap Iskelesi 15, Galata, Istanbul.
Webber, Dr. Hans.—Ahen Munih Han 2, Galata, Istanbul.
Weidemann, Dr. Hans.—Ahen Munih Han 2, Galata, Istanbul.
Weidemann, Dr. Hans ve Webber, Dr. Hans.—Ahen Munih Han 2, Galata, Istanbul.

AMENDMENTS

Portugal and Possessions

Portugal

In relation to Cereais e Farinhas Ltda., Soc. de, *add* "and Campo das Cebolas 33, Lisbon".
In relation to Pereira, Jose Rui de Matos, *for* Lisbon; *substitute* Praca de Alegria 12, Lisbon.
In relation to Transportes Mecanicos Mario Silva; *delete* S. S. *Transportador.*

Spain and Possessions

Spain

For Petricca; *substitute* Petricca, Annibale.
In relation to Reimex, *for* Madrid; *substitute* and Victor Hugo I, Madrid.
In relation to Unicolor S. A., *for* Pasco de Gracia 51; *substitute* Calle Corcega 348.

Turkey

For Guizani; *substitute* Guizani, M. S.
In relation to Sadikoglu, Aslan ve Mahdumu, *delete* S. S. *Sakarya.*

DELETIONS

Portugal and Possessions

Portugal

Industria Nacional de Artigos para Escritorio Helius Ltda.—Lisbon.
Monteiro, Bessa-Ribas & Cia., Ltda. (Fabrica Portuguesa de Curtumes).—Estrada da Circunvalaçao, Ameal, Oporto

Azores

De Freitas, Ernesto Soares.—Papelaria Ambar, Ponta Delgada, Sao Miguel.

Spain and Possessions

Spain

Araoz Arejula, Daniel (Baron de Sacro Lirio).—Carretera de Madrid 101, Getafe, Madrid.
Grau y Moreno.—Santa Monica 19, Barcelona.
Moreno, Edelmiro.—Rambla Santa Monica 19, Barcelona.

Sacro Lirio, Baron de (Daniel Araoz Arejula).—Carretera de Madrid 101, Getafe, Madrid.

Sweden

Hartig A/B., Hugo.—Nybrogatan 3, Stockholm.

Switzerland

Alioth-Schlumberger, Adrian.—Steinenberg 14, Basel.

Cerevisia A. G.—Limmatquai 1, Zurich.

Demierre, Jean A.—Montet, Freiburg.

Hoffmann-Wisner, Albert.—Steinenberg 14, Basel.

Sarasin-Grossmann, Ernst A.—Steinenberg 14, Basel.

Schiess-Vischer, Dr. Walter S.—Steinenberg 14, Basel.

Veron, J., Grauer and Cie. S. A.—Rue de Mont Blann 22, Geneva, and Hochstr. 55, Basle.

[F. R. Doc. 42-3965; Filed, May 2, 1942; 11:57 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T.D. 5144]

Subchapter C—Miscellaneous Excise Taxes

PART 183—PRODUCTION OF DISTILLED SPIRITS

AMENDING REGULATIONS 4

1. The Act of April 8, 1942 (Public Law 519, 77th Congress), provides in part as follows:

That section 2901 of the Internal Revenue Code, as amended, is amended to read as follows:

SEC. 2901. LOSS ALLOWANCES.

(a) *Leakage or evaporation.*

* * * * *

(b) *Loss.* The Commissioner of Internal Revenue may, under regulations to be prescribed by him and approved by the Secretary of the Treasury, abate any internal-revenue taxes accruing on distilled spirits if he shall find that—

(1) The distilled spirits were not stolen or intentionally destroyed but were lost, otherwise than by leakage or evaporation, while on the premises of a registered distillery, during or after production and prior to deposit in an internal revenue bonded warehouse.

* * * * *

(5) The distilled spirits were lost by theft from the premises of a registered distillery, or while being transferred between buildings, constituting the same internal revenue bonded warehouse, or while being transferred by common carrier to an internal revenue bonded warehouse off such registered distillery premises, or while being transferred by a common carrier between internal revenue bonded warehouses, and that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

* * * * *

(8) The distilled spirits were unfit for use for beverage purposes and were voluntarily destroyed by the distiller, the warehouseman, or the proprietor of the bonded winery premises, pursuant to the written permission of the Commissioner in each case and under regulations which the Commissioner, with the approval of the Secretary, is hereby authorized to promulgate.

(c) *Refund of tax.* When, in any case to which subsection (a) or (b) applies, the tax is paid subsequent to the loss or destruction, as the case may be, of the spirits, the Commissioner may, under regulations prescribed by him with the approval of the Secretary, refund such tax.

(d) *Insurance coverage.* The abatement or refund of taxes provided for by subsections (b) and (c) shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

SEC. 2. Section 2901 (a), (b), (c), and (d), as amended by this Act, shall apply to any claim for taxes which may accrue after the date of enactment of this Act. Claims for taxes or tax penalties that accrued on or before the date of enactment of this Act shall be subject to section 2901 of the Internal Revenue Code as it existed prior to its amendment by this Act. Nothing in section 2901, as hereby amended, shall be construed as in any manner limiting or restricting the provisions of part II, subchapter C, chapter 26, of the Internal Revenue Code.

2. Pursuant to the above provisions of law and sections 3170 and 3176, Internal Revenue Code, Regulations 4 (26 CFR, Part 183) are amended in these respects:

3. Section 183.3 (d) is revoked.

4. Sections 183.243, 183.324, 183.325, 183.341, 183.342, 183.343, 183.344, 183.346, 183.350, 183.352, and 183.359 are amended to read as follows:

§ 183.243 *Losses of distillates.* Tax will be collected on all losses of such distillates, while on the premises of a registered distillery during or after production and prior to destruction or removal for denaturation, unless the same are shown to have occurred otherwise than by leakage or evaporation, or by theft without connivance, collusion, fraud, or negligence on the part of the distiller or owner, or the employees of either of them. No allowance can be made for losses of such distillates occurring during transportation to the denaturing plant. The liability of the distiller to tax on such distillates removed for denaturation shall continue until they have been deposited in the denaturing plant. (Secs. 2901, 2916, 3176, I.R.C.)

§ 183.324 *Examination of packages at warehouse.* The storekeeper-gauger at the warehouse will examine the shipment upon its arrival. Where packages of spirits are received bearing evidence of having sustained losses in transit, the storekeeper-gauger will observe the following procedure in examining the packages:

(1) Weigh and proof each barrel which appears to have sustained a loss by theft, accident, or otherwise than by leakage or evaporation while in transit;

(2) Examine the condition of the cooperage of each such package;

(3) Note on the Form 1520 the serial number, weight, and tax-gallon contents of each barrel so regauged, the condition of the cooperage and whether, in the opinion of the officer, the loss of the spirits occurred while the package was in transit, and whether such loss was occasioned by theft, accident, leakage, evaporation, or any other cause. (Secs. 2878, 2883, 2901, 3176, I.R.C.)

§ 183.325 *Examination of tank car at warehouse.* Where the examination of a railroad tank car of spirits upon arrival at the warehouse reveals evidence of loss by theft, accident, or otherwise than by leakage or evaporation, the storekeeper-gauger will ascertain the quantity by regauging the contents, and will make a report of his examination and regauge on Form 1520 similar to that required in the case of packages regauged. The spirits may be removed from the tank car for regauging, but upon completion of such regauge, the spirits will be immediately run back into the tank car, and such tank car seal-locked pending tax payment or transfer to another bonded warehouse. The transfer of spirits from a tank car for regauging, and the return thereof, shall be under the immediate supervision of the storekeeper-gauger. (Secs. 2883, 2901, 3176, I.R.C.)

LOSSES OF DISTILLED SPIRITS WHILE ON PREMISES OF A REGISTERED DISTILLERY

§ 183.341 *Loss by theft.* The tax on distilled spirits lost by theft from the premises of a registered distillery, not occurring as the result of connivance, collusion, fraud, or negligence on the part of the distiller or owner, or the employees of either of them, may be remitted to the extent the claimant is not indemnified against or recompensed for such tax. (Secs. 2901, 3176, I.R.C.)

§ 183.342 *Losses except by theft.* The tax on distilled spirits which are not stolen or intentionally destroyed, but are lost otherwise than by leakage or evaporation, while on the premises of a registered distillery, during or after production and prior to deposit in an internal revenue bonded warehouse, may be remitted to the extent the claimant is not indemnified against or recompensed for such tax. (Secs. 2901, 3176, I.R.C.)

§ 183.343 *Claims for losses.* Forms have not been prescribed for use in presenting claims for remission of tax. Such claims may be made on letter or legal size paper, in duplicate, and shall set forth, under oath, the following information:

(1) The name of the distiller and the registry number and location of the distillery;

(2) The serial numbers of the receiving cisterns or other containers from which the spirits were lost;

(3) The quantity of spirits lost from each cistern or other container, and the total quantity of spirits covered by the claim;

(4) The total amount of tax for which the claim is filed;

(5) The date of the loss or if such date is not known, the date on which the loss was discovered, and the cause and nature thereof, together with all the facts surrounding the loss;

(6) Whether the loss was due to theft, accident, or otherwise than by leakage or evaporation;

(7) If lost by theft, the facts showing that the loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller or owner, or the employees of either of them;

(8) Whether the claimant is indemnified or recompensed for the tax, and if so, the amount and nature of such indemnity or recompense. The actual value of the spirits, less the tax, must be stated explicitly, and certified copies of all policies of insurance or other docu-

ments of indemnity covering the spirits must be furnished. (Secs. 2901, 3176, I.R.C.)

§ 183.344 *Supporting statements.* Claims for remission of tax on spirits lost by theft, accident, or otherwise than by leakage or evaporation, while on the premises of a registered distillery, must be supported by affidavits of persons having personal knowledge of the loss. (Secs. 2901, 3176, I.R.C.)

§ 183.346 *Report of losses.* Losses of distilled spirits by theft, accident, or otherwise than by leakage or evaporation must be reported to the district supervisor by the distiller immediately after the losses are discovered. Where losses of spirits occur or are discovered while a Government officer is on duty, the officer will immediately make a full report of the loss to the district supervisor. The officer's report should set out the nature, cause, and extent of the loss in sufficient detail to bring out all the known material facts and circumstances surrounding the loss. The condition of each cistern or other container from which loss has been sustained, and the quantity lost therefrom, should be reported by the officer. (Sec. 3176, I.R.C.)

§ 183.350 *Supervisor's account.* The district supervisor will make appropriate entry in his account, Form 1514 Supplemental, of losses occurring in the distillery cistern room. Where a claim for remission of tax on distilled spirits lost after deposit in the cistern room is allowed, the district supervisor will take credit for the allowance in his bonded spirits account, Form 1514 Supplemental, upon receipt of notice from the Commissioner of the allowance. (Sec. 3176, I.R.C.)

§ 183.352 *Storekeeper-gauger to report deficiencies.* The storekeeper-gauger, upon completion of his monthly report, Form 1592, will compare the calculated yield for that month with the actual production. He will give a complete statement on such form under "Special Operations or Conditions" in respect to any material deficiency in the calculated production or any loss of beer or spirits. (Sec. 3176, I.R.C.)

§ 183.359 *Claim for remission.* Where the distiller claims, pursuant to notice of proposed assessment, that the spirits produced and not accounted for were actually lost by theft, accident, or otherwise than by leakage or evaporation in the process of manufacture or distillation, he will apply for remission of the tax on such spirits in accordance with the provisions of §§ 183.341 to 183.350.[1] (Secs. 2847, 2901, 3176, I.R.C.)

5. The following new sections are added:

VOLUNTARY DESTRUCTION OF SPIRITS

§ 183.448 *General.* Distilled spirits in a registered distillery, which are found by the Commissioner to be unfit for use for beverage purposes, may be voluntarily destroyed without payment of tax by the distiller in accordance with the procedure hereinafter set forth. (Secs. 2901, 3176, I.R.C.)

§ 183.449 *Application.* The distiller will make written application to the district supervisor of the district in which the distillery is located for permission to destroy such spirits. The application shall specify the kind and approximate quantity in wine gallons and proof gallons of such distilled spirits; the name, address, and registered distillery number of the distiller; the date of distillation; the serial numbers of the vessels or other receptacles in which such spirits are contained; and a statement showing the condition of the spirits which renders them unfit for beverage purposes. (Secs. 2901, 3176, I.R.C.)

§ 183.450 *Action by supervisor.* Upon receipt of such application, the district supervisor will require an inspection to be made of the spirits by the storekeeper-gauger to determine the correctness of the application and to procure a one-pint sample, or if deemed advisable, a one-quart sample from each tank or other receptacle for submission to the district chemist for analysis to determine whether the spirits are unfit for beverage purposes. The spirits will be retained under Government lock, pending analysis of the sample and action on the application. The bottle containing the sample will be labeled in such manner as will readily identify the spirits. The samples will be forwarded to the district chemist at the expense of the distiller. The district chemist will analyze the samples and furnish a report of such analysis to the district supervisor. The unused portion of the samples will be retained by the district chemist for further examination, if necessary. The district supervisor will forward the application of the distiller, a copy of the storekeeper-gauger's report, and a copy of the district chemist's report of analysis to the Commissioner with his recommendation. (Secs. 2901, 3170, 3176, I.R.C.)

§ 183.451 *Action by Commissioner—*(a) *Unfit for beverage purposes.* If the Commissioner finds that the spirits are unfit for beverage purposes, he will authorize the district supervisor to permit such spirits to be destroyed by the distiller under the supervision of the storekeeper-gauger.

(b) *Fit for beverage purposes.* If the Commissioner finds that the spirits are fit for beverage purposes, he will disapprove the application and notify the district supervisor of such disapproval. The district supervisor will thereupon inform the distiller that the spirits have been determined to be fit for beverage purposes and that they may not be destroyed without payment of tax. (Secs. 2901, 3170, 3176, I.R.C.)

§ 183.452 *Destruction.* Spirits authorized to be destroyed will be gauged by the storekeeper-gauger and reported for that purpose on Form 1520, in triplicate. Following such gauge, the spirits may be destroyed under the immediate supervision of the storekeeper-gauger by running the same into the sewer or by other suitable means. The storekeeper-gauger will then certify to such destruction on the Form 1520, return one copy of the form to the distiller, retain one copy for his files, and forward one copy to the district supervisor. He will take appropriate credit for the spirits so destroyed at a special line in Part 5, Form 1592, if the spirits are unfinished, or in Part 7, Form 1592, and in Part 2, Form 1513 Supplemental, if the spirits have been deposited in the cistern room. The district supervisor will take appropriate credit for the spirits, if deposited in the cistern room, at a special line on Form 1514 Supplemental. (Secs. 2901, 3170, 3176, I.R.C.)

§ 183.453 *Prior losses.* Any claims for remission or refund of the tax on spirits lost prior to April 9, 1942, shall be subject to the provisions of section 2901 of the Internal Revenue Code and of these regulations as they existed prior to that date.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: April 30, 1942

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-3942; Filed, May 1, 1942; 5:04 p. m.]

[T.D. 5142]

PART 184—PRODUCTION OF BRANDY

AMENDING REGULATIONS 5

1. The Act of April 8, 1942 (Public Law 519, 77th Congress), provides in part as follows:

That section 2901 of the Internal Revenue Code, as amended, is amended to read as follows:

SEC. 2901. LOSS ALLOWANCES.

(a) *Leakage or evaporation.*

* * * * *

(b) *Loss.* The Commissioner of Internal Revenue may, under regulations to be prescribed by him and approved by the Secretary of the Treasury, abate any internal-revenue taxes accruing on distilled spirits if he shall find that—

(1) The distilled spirits were not stolen or intentionally destroyed but were lost, otherwise than by leakage or evaporation, while on the premises of a registered distillery, during or after production and prior to deposit in an internal revenue bonded warehouse.

* * * * *

(5) The distilled spirits were lost by theft from the premises of a registered distillery, or while being transferred between buildings, constituting the same internal revenue bonded warehouse, or while being transferred by common carrier to an internal revenue bonded warehouse off such registered distillery premises, or while being transferred by a common carrier between internal revenue bonded warehouses, and that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

* * * * *

(8) The distilled spirits were unfit for use for beverage purposes and were voluntarily destroyed by the distiller, the warehouseman, or the proprietor of the bonded winery premises, pursuant to the written permission of the Commissioner in each case and under regulations which the Commissioner, with the approval of the Secretary, is hereby authorized to promulgate.

(c) *Refund of tax.* When, in any case to which subsection (a) or (b) applies, the tax is paid subsequent to the loss or destruction, as the case may be, of the spirits, the Commissioner may, under regulations prescribed by him with the approval of the Secretary, refund such tax.

[1] 5 F.R. 864.

(d) *Insurance coverage.* The abatement or refund of taxes provided for by subsections (b) and (c) shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

SEC. 2. Section 2901 (a), (b), (c), and (d), as amended by this Act, shall apply to any claim for taxes which may accrue after the date of enactment of this Act. Claims for taxes or tax penalties that accrued on or before the date of enactment of this Act shall be subject to section 2901 of the Internal Revenue Code as it existed prior to its amendment by this Act. Nothing in section 2901, as hereby amended, shall be construed as in any manner limiting or restricting the provisions of part II, subchapter C, chapter 26, of the Internal Revenue Code.

2. Pursuant to the above provisions of law and sections 3170 and 3176, Internal Revenue Code, Regulations 5 (26 CFR, Part 184) are amended in these respects:

3. Section 184.3 (b) is revoked.

4. Sections 184.229, 184.235, 184.326, 184.357, 184.358, 184.360, 184.361, 184.363, and 184.375 are amended to read as follows:

§ 184.229 *Losses of distillates.* Tax will be collected on all losses of such distillates, while on the premises of a registered distillery during or after production and prior to destruction or removal for denaturation, unless the same are shown to have occurred otherwise than by leakage or evaporation, or by theft without connivance, collusion, fraud or negligence on the part of the distiller or owner, or the employees of either of them. No allowance can be made for losses of such distillates occurring during transportation to the denaturing plant. The liability of the distiller to tax on such distillates removed for denaturation shall continue until they have been deposited in the denaturing plant. (Secs. 2901, 2916, 3176, I.R.C.)

§ 184.325 *Examination of packages at warehouse.* The storekeeper-gauger at the warehouse will examine the shipment upon its arrival. Where packages of brandy are received bearing evidence of having sustained losses in transit, the storekeeper-gauger will observe the following procedure in examining the packages:

(1) Weigh and proof each barrel which appears to have sustained a loss by theft, accident, or otherwise than by leakage or evaporation while in transit;

(2) Examine the condition of the cooperage of each such package;

(3) Note on the Form 1520 the serial number, weight, and tax-gallon contents of each barrel so regauged, the condition of the cooperage and whether, in the opinion of the officer, the loss of spirits occurred while the package was in transit, and whether such loss was occasioned by theft, accident, leakage, evaporation, or any other cause. (Secs. 2878, 2883, 2901, 3176, I.R.C.)

§ 184.326 *Examination of tank car at warehouse.* Where the examination of a railroad tank car of brandy upon its arrival at the warehouse reveals evidence of loss by theft, accident, or otherwise than by leakage or evaporation, the storekeeper-gauger will ascertain the quantity by regauging the contents, and will make a report of his examination and regauge on Form 1520 similar to that required in the case of packages regauged. The brandy may be removed from the tank car for regauging, but upon completion of such regauge, the brandy will be immediately run back into the tank car, and such tank car seal-locked pending tax-payment or transfer to another bonded warehouse. The transfer of brandy from a tank car for regauging, and the return thereof, shall be under the immediate supervision of the storekeeper-gauger. (Secs. 2878, 2883, 2901, 3176, I.R.C.)

§ 184.357 *No allowance provided.* No allowance can be made under section 2901, Internal Revenue Code, as amended, or any other provision of law, for losses of brandy by leakage or evaporation from receiving tanks in the distillery or from storage tanks in the brandy deposit room, and the tax must be paid on all such losses: *Provided, however,* That where there is a deficiency of not over one-half of 1 per cent on such tanks, the same will be ascribed to variation in gauge, in the absence of evidence to the contrary, and no tax will be collected thereon. (Sec. 3176, I.R.C.)

LOSSES BY THEFT OR OTHERWISE THAN BY LEAKAGE OR EVAPORATION

§ 184.358 *Losses by theft.* The tax on brandy lost by theft from the premises of a fruit distillery, not occurring as the result of connivance, collusion, fraud or negligence on the part of the distiller or owner, or the employees of either of them, may be remitted to the extent the claimant is not indemnified against or recompensed for such tax. (Secs. 2901, 3176, I.R.C.)

§ 184.359 *Losses except by theft.* The tax on brandy which is not stolen or intentionally destroyed, but which is lost otherwise than by leakage or evaporation, while on the premises of a fruit distillery, during or after production and prior to deposit in an internal revenue bonded warehouse, may be remitted to the extent that the claimant is not indemnified against or recompensed for such tax. (Secs. 2901, 3176, I.R.C.)

§ 184.360 *Claim for losses.* Forms have not been prescribed for use in presenting claims for remission of tax. Such claims may be made on letter or legal size paper, in duplicate, and shall set forth, under oath, the following information:

(1) The name of the distiller and the registry number and location of the distillery;

(2) The serial numbers of the receiving cisterns or other containers from which the spirits were lost;

(3) The quantity of spirits lost from each cistern or other container and the total quantity of spirits covered by the claim;

(4) The total amount of tax for which the claim is filed;

(5) The date of loss or if such date is not known, the date on which the loss was discovered, and the cause and nature thereof, together with all the facts surrounding the loss;

(6) Whether the loss was due to theft, accident, or otherwise than by leakage or evaporation;

(7) If lost by theft, the facts showing that the loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller or owner, or the employees of either of them;

(8) Whether the claimant is indemnified against or recompensed for the tax, and if so, the amount and nature of such indemnity or recompense. The actual value of the spirits, less the tax, must be stated explicitly, and certified copies of all policies of insurance or the documents of indemnity covering the spirits must be furnished. (Secs. 2901, 3176, I.R.C.)

§ 184.361 *Supporting statements.* Claims for losses of brandy by theft, accident, or otherwise than by leakage or evaporation, while on the premises of the distillery, must be supported by affidavits of persons having personal knowledge of the loss. (Secs. 2901, 3176, I.R.C.)

§ 184.363 *Report of losses.* Losses of brandy by theft, accident, or otherwise than by leakage or evaporation must be reported to the district supervisor by the distiller immediately after the losses are discovered. Where losses of brandy occur or are discovered while a Government officer is on duty, the officer will immediately make a full report of the loss to the district supervisor. The officer's report should set out the nature, cause, and extent of the loss in sufficient detail to bring out all the known material facts and circumstances surrounding the loss. The condition of each cistern or other container from which loss has been sustained, and the quantity lost therefrom, should be reported by the officer. (Sec. 3176, I.R.C.)

§ 184.375 *Claim for remission.* Where the distiller claims, pursuant to notice of proposed assessment, that the spirits produced and not accounted for were actually lost by theft, accident, or otherwise than by leakage or evaporation in the process of manufacture or distillation, he will apply for remission of the tax on such spirits in accordance with the provisions of §§ 184.357 to 184.365.[1] (Secs. 2847, 2901, 3176, I.R.C.)

5. The following sections are added:

VOLUNTARY DESTRUCTION OF BRANDY

§ 184.462 *General.* Brandy in a fruit distillery, which is found by the Commissioner to be unfit for use for beverage purposes, may be voluntarily destroyed without payment of tax by the distiller in accordance with the procedure hereinafter set forth. (Secs. 2901, 3176, I.R.C.)

§ 184.463 *Application.* The distiller will make written application to the district supervisor of the district in which the distillery is located for permission to destroy such brandy. The application shall specify the kind and approximate quantity in wine gallons and proof gallons of such spirits; the name, address, and registered distillery number of the distiller; the date of distillation; the serial numbers of the vessels or other

[1] 5 F.R. 924.

receptacles in which such spirits are contained; and a statement showing the condition of the spirits which renders them unfit for beverage purposes. (Secs. 2901, 3176, I.R.C.)

§ 184.464 *Action by supervisor.* Upon receipt of such application, the district supervisor will require an inspection to be made of the spirits by the storekeeper-gauger to determine the correctness of the application and to procure a one-pint sample, or if deemed advisable, a one-qquart sample, from each tank or other receptacle for submission to the district chemist for analysis to determine whether the spirits are unfit for beverage purposes. The brandy shall be retained under Government lock, pending analysis of the sample and action on the application. The bottle containing the sample will be labeled in such manner as will readily identify the spirits. The samples will be forwarded to the district chemist at the expense of the distiller. The district chemist will analyze the samples and furnish a report of such analysis to the district supervisor. The unused portion of the samples will be retained by the district chemist for further examination, if necessary. The district supervisor will forward the application of the distiller, a copy of the storekeeper-gauger's report, and a copy of the district chemist's report of analysis to the Commissioner with his recommendation. (Secs. 2901, 3170, 3176, I.R.C.)

§ 184.465 *Action by Commissioner*—(a) *Unfit for beverage purposes.* If the Commissioner finds that the brandy is unfit for beverage purposes, he will authorize the district supervisor to permit such spirits to be destroyed by the distiller under the supervision of the storekeeper-gauger.

(b) *Fit for beverage purposes.* If the Commissioner finds that the brandy is fit for beverage purposes, he will disapprove the application and notify the district supervisor of such disapproval. The district supervisor will thereupon inform the distiller that the brandy has been determined to be fit for beverage purposes and that it may not be destroyed without payment of tax. (Secs. 2901, 3170, 3176, I.R.C.)

§ 184.466 *Destruction.* Brandy authorized to be destroyed will be gauged by the storekeeper-gauger and reported for that purpose on Form 1520, in quadruplicate. Following such gauge, the spirits may be destroyed under the immediate supervision of the storekeeper-gauger by running the same into the sewer or by other suitable means. The storekeeper-gauger will then certify to such destruction on the Form 1520, return one copy of the form to the distiller, retain one copy for his file, and forward one copy to the district supervisor. The distiller will take appropriate credit for the spirits so destroyed at a special line on Form 15. The district supervisor will take appropriate credit for such spirits at a special line on Form 412. (Secs. 2901, 3170, 3176, I.R.C.)

§ 184.467 *Prior losses.* Any claims for remission or refund of the tax on brandy lost prior to April 9, 1942, shall be subject to the provisions of section 2901 of the Internal Revenue Code and of these regulations as they existed prior to that date.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: April 30, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-3943; Filed, May 1, 1942; 5:03 p. m.]

[T.D. 5143]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

AMENDING REGULATIONS 10

1. The Act of April 8, 1942 (Public Law 519, 77th Congress), provides in part as follows:

That section 2901 of the Internal Revenue Code, as amended, is amended to read as follows:

SEC. 2901. LOSS ALLOWANCES.

(a) *Leakage or evaporation.* (1) Any distilled spirits on deposit in any internal revenue bonded warehouse on the date this amendatory subsection takes effect, or thereafter deposited in any internal revenue bonded warehouse, may, at the time of withdrawal of the spirits from such warehouse, upon the filing of an application for the regauge of such spirits, giving a description of the package containing the spirits, be regauged by a storekeeper-gauger who shall place upon such package such marks and brands as the Commissioner, with the approval of the Secretary, shall by regulations prescribe. If upon such regauging it shall appear there has been a loss by leakage or evaporation of distilled spirits from any cask or package, without the fault or negligence of the distiller or warehouseman, taxes shall be collected only on the quantity of distilled spirits contained in such cask or package at the time of such withdrawal. The allowance which shall be made for such loss of spirits shall not exceed—

1½ proof gallons for 2 months or part thereof;
2½ gallons for more than 2 months and not more than 4 months;
3 gallons for more than 4 months and not more than 6 months;
3½ gallons for more than 6 months and not more than 8 months;
4 gallons for more than 8 months and not more than 10 months;
4½ gallons for more than 10 months and not more than 12 months;
5 gallons for more than 12 months and not more than 14 months;
5½ gallons for more than 14 months and not more than 16 months;
6 gallons for more than 16 months and not more than 18 months;
6½ gallons for more than 18 months and not more than 21 months;
7 gallons for more than 21 months and not more than 24 months;
7½ gallons for more than 24 months and not more than 27 months;
8 gallons for more than 27 months and not more than 30 months;
8½ gallons for more than 30 months and not more than 33 months;
9 gallons for more than 33 months and not more than 36 months;
9½ gallons for more than 36 months and not more than 39 months;
10 gallons for more than 39 months and not more than 42 months;
10½ gallons for more than 42 months and not more than 45 months;
11 gallons for more than 45 months and not more than 48 months;
11½ gallons for more than 48 months and not more than 51 months;
12 gallons for more than 51 months and not more than 54 months;
12½ gallons for more than 54 months and not more than 57 months;
13 gallons for more than 57 months and not more than 60 months;
13½ gallons for more than 60 months and not more than 63 months;
14 gallons for more than 63 months and not more than 66 months;
14½ gallons for more than 66 months and not more than 69 months;
15 gallons for more than 69 months and not more than 72 months;
15½ gallons for more than 72 months and not more than 75 months;
16 gallons for more than 75 months and not more than 78 months;
16½ gallons for more than 78 months and not more than 81 months;
17 gallons for more than 81 months and not more than 84 months;
17½ gallons for more than 84 months and not more than 90 months;
18 gallons for more than 90 months from the date of original gauge as to fruit brandy, or original entry as to all other spirits; and no further allowance shall be made for loss by leakage or evaporation.

The foregoing allowance shall not apply to distilled spirits which on July 26, 1936, were eight years of age, or older, and which on that date were in bonded warehouses.

The foregoing allowance for loss shall apply only to casks or packages of a capacity of forty or more wine-gallons, and the allowance for loss on casks or packages of less capacity than forty gallons shall not exceed one-half the amount allowed on said forty-gallon casks or packages; but no allowance shall be made on casks or packages of less capacity than twenty gallons. The proof of such distilled spirits shall not in any case be computed at the time of withdrawal at less than 100 per centum.

(b) *Loss.* The Commissioner of Internal Revenue may, under regulations to be prescribed by him and approved by the Secretary of the Treasury, abate any internal-revenue taxes accruing on distilled spirits if he shall find that—

* * * * *

(2) The distilled spirits were not stolen or intentionally destroyed but were lost, otherwise than by leakage or evaporation, while being transferred between buildings constituting the same internal revenue bonded warehouse or while being transferred by a common carrier from the premises of a registered distillery to an internal revenue bonded warehouse off such registered distillery premises, or while being transferred by a common carrier between internal revenue bonded warehouses.

(3) The distilled spirits were not stolen or intentionally destroyed but were lost, otherwise than by leakage or evaporation, while the same remained in an internal revenue bonded warehouse and such loss is not allowable under subsection (a) hereof.

* * * * *

(5) The distilled spirits were lost by theft from the premises of a registered distillery, or while being transferred between buildings, constituting the same internal revenue bonded warehouse, or while being transferred by common carrier to an internal revenue bonded warehouse off such registered distillery premises, or while being transferred by a common carrier between internal revenue bonded warehouses, and that such loss did not occur as the result of connivance, collusion, fraud, or negligence

on the part of the distiller, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

(6) The distilled spirits were lost by theft from an internal revenue bonded warehouse, and that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, owner, or warehouseman, or the employees of any of them.

* * * * *

(8) The distilled spirits were unfit for use for beverage purposes and were voluntarily destroyed by the distiller, the warehouseman, or the proprietor of the bonded winery premises, pursuant to the written permission of the Commissioner in each case and under regulations which the Commissioner, with the approval of the Secretary, is hereby authorized to promulgate.

(c) *Refund of tax.* When, in any case to which subsection (a) or (b) applies, the tax is paid subsequent to the loss or destruction, as the case may be, of the spirits, the Commissioner may, under regulations prescribed by him with the approval of the Secretary, refund such tax.

(d) *Insurance coverage.* The abatement or refund of taxes provided for by subsections (b) and (c) shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss.

(e) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agent, see section 3170.

SEC. 2. Section 2901 (a), (b), (c), and (d), as amended by this Act, shall apply to any claim for taxes which may accrue after the date of enactment of this Act. Claims for taxes or tax penalties that accrued on or before the date of enactment of this Act shall be subject to section 2901 of the Internal Revenue Code as it existed prior to its amendment of this Act. Nothing in section 2901, as hereby amended, shall be construed as in any manner limiting or restricting the provisions of part II, subchapter C, chapter 26, of the Internal Revenue Code.

2. Pursuant to the above provisions of law, and sections 3170 and 3176, Internal Revenue Code, Regulations 10 (26 CFR, Part 185) are hereby amended in these respects:

3. Sections 185.3 (d), 185.192, 185.193, 185.226, 185.227, 185.228, 185.229, 185.230, 185.395 (a), 185.395 (c), 185.398, 185.399, 185.400, 185.404, 185.405, and 185.420 are revoked.

4. Sections 185.150, 185.151, 185.152, 185.153, 185.194, 185.200, 185.206, 185.207, 185.208, 185.209, 185.210, 185.211, 185.212, 185.213, 185.214, 185.216, 185.217, 185.218, 185.219, 185.225, 185.289, 185.299, 185.301, 185.324, 185.329 (b), 185.329 (d), 185.333, 185.334, 185.335, 185,336, 185.344, 185.397, 185.432, and 185.433 are amended to read as follows:

§ 185.150 *From distillery not on same or contiguous premises or from another warehouse.* When spirits are received from a distillery not on the same or contiguous premises or from another internal revenue bonded warehouse for deposit, the storekeeper-gauger will examine the shipment upon its arrival at the warehouse, and, where the containers bear evidence of having sustained losses in transit, the losses and the causes thereof will be determined and reported to the district supervisor, as provided in §§ 185.151, 185.152, and 185.153. The proprietor of the warehouse may weigh and proof, at the time of receipt, each package in shipments from other bonded warehouses, if he so desires, provided such is done expeditiously and additional storekeeper-gaugers will not be required to supervise the operation. The taking of average or actual tare will not be permitted. If the warehouseman prepares a record of such commercial gauge, one copy will be delivered to the storekeeper-gauger, who will retain the same in his office for reference if claim is filed for remission of the tax on the spirits lost. (Secs. 2901, 3176, I.R.C.)

§ 185.151 *Examination of packages.* Where packages of spirits are received bearing evidence of having sustained losses in transit, the storekeeper-gauger will observe the following procedure in examining the packages:

(1) Weigh and proof each barrel which appears to have sustained a loss by theft, accident, or otherwise than by leakage or evaporation while in transit;

(2) Examine the condition of the cooperage of each such package;

(3) Note on Form 1520 or 1619, as the case may be, covering the transfer of the spirits, the serial number, weight, and tax-gallon contents of each barrel so regauged, the condition of the cooperage and whether, in the opinion of the officer, the loss of the spirits occurred while the package was in transit, and whether such loss was occasioned by theft, accident, leakage, evaporation, or any other cause. (Secs. 2901, 3176, I.R.C.)

§ 185.152 *Examination of tank car.* Where the examination of a railroad tank car of spirits upon its arrival at the warehouse reveals evidence of loss by theft, accident, or otherwise than by leakage or evaporation, the storekeeper-gauger will ascertain the quantity by regauging the contents, and will make report of his examination and regauge on Form 1520 similar to that required in the case of packages regauged. The spirits may be removed from the tank car for regauging where the warehouse is equipped with suitable facilities therefor, but upon completion of such regauge, the spirits will be immediately run back into the tank car, and such tank car seal-locked pending tax-payment or transfer to another bonded warehouse. The transfer of spirits from a tank car for regauging, and the return thereof, shall be under the immediate supervision of the storekeeper-gauger. (Secs. 2901, 3176, I.R.C.)

§ 185.153 *Examination and deposit of cases.* Where spirits bottled in bond before tax-payment are received in bond from another bonded warehouse for deposit, the storekeeper-gauger will examine the shipment upon its arrival, and, where the cases bear evidence of having sustained losses by theft, accident, or otherwise than by leakage or evaporation, the storekeeper-gauger will make report of his examination, attach the report to Form 236, and note the loss on Form 1620. When spirits bottled in bond before tax-payment at the warehouse are returned to the storage portion thereof, the storekeeper-gauger will prepare Form 1620 to cover the deposit of such cases. (Secs. 2901, 3176, I.R.C.)

§ 185.194 *Tax-payment and removal may be required.* If it shall appear at any time that there has been a loss of distilled spirits from any cask or other package on deposit in an internal revenue bonded warehouse, other than the loss provided for in sections 2901 (b), as amended, and 3031 (b), Internal Revenue Code, which, in the opinion of the Commissioner, is excessive, he may instruct the supervisor of the district in which the warehouse is located to require the withdrawal of such distilled spirits, and direct the collector to collect the tax accrued upon the original quantity entered into the warehouse in such cask or package, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered into warehouse in such cask or package has not expired. If the said tax is not paid on demand, the collector shall report the amount due on his next monthly list and it shall be assessed and collected as other taxes are assessed and collected. (Secs. 2880, 3176, I.R.C.)

§ 185.200 *Schedule of allowances.* Whenever spirits contained in distiller's original packages, or packages filled therefrom, are regauged for withdrawal from an internal revenue bonded warehouse, and it shall appear that there has been a loss of spirits by leakage or evaporation from any package, without the fault or negligence of the distiller or proprietor of the warehouse, allowance for the loss actually sustained will be made to the extent authorized by law, as set forth in the following schedule. Losses in excess of such quantity must be tax-paid. The period for which allowance of losses will be made begins to run from the date of original gauge as to fruit brandy, and the date of original entry for deposit as to all other spirits.

SCHEDULE OF ALLOWANCES FOR LOSS BY LEAKAGE AND EVAPORATION

Period of storage in warehouse		Maximum allowance casks of 40 wine gallons capacity or more
More than—	Not more than—	
Months	*Months*	*Proof gallons*
----------	2	1.5
2	4	2.5
4	6	3.0
6	8	3.5
8	10	4.0
10	12	4.5
12	14	5.0
14	16	5.5
16	18	6.0
18	21	6.5
21	24	7.0
24	27	7.5
27	30	8.0
30	33	8.5
33	36	9.0
36	39	9.5
39	42	10.0
42	45	10.5
45	48	11.0
48	51	11.5
51	54	12.0
54	57	12.5
57	60	13.0
60	63	13.5
63	66	14.0
66	69	14.5
69	72	15.0
72	75	15.5
75	78	16.0
78	81	16.5
81	84	17.0
84	90	17.5
90	----------	18.0

(Secs. 2901 (a), 3176, I.R.C.)

§ 185.206 *Nonallowable losses to be tax-paid*—(a) *Storage tanks.* When a storage tank is emptied the loss, if any, will be ascertained by the storekeeper-gauger and reported to the district supervisor. Where the loss exceeds the quantity which may be attributed to variation in gauge, as provided in § 185.205, the district supervisor will report the tax due thereon to the Commissioner for assessment, unless (1) the loss is due to causes otherwise than by leakage or evaporation, and claim is filed for remission of the tax under section 2901 (b), as amended, Internal Revenue Code, or (2) the contents of the tank were brandy or fruit spirits intended for fortification of wine.

(b) *Packages filled from storage tanks.* When packages filled from warehouse storage tanks are withdrawn, tax will be collected on the original contents of each such package, unless withdrawn tax-free, except (1) steel drums filled from such tanks with brandy or fruit spirits intended for fortification of wine and (2) packages of brandy or fruit spirits filled from such tanks prior to June 26, 1936, and which were in warehouse on August 4, 1939. When packages not entitled to any loss allowance are withdrawn tax-free, tax will be collected on the difference (deficiency), if any, between the original gauge and the withdrawal gauge. (Secs. 2800 (a) (1), 2800 (c), 2879 (b), 2901, 3176 I.R.C.)

LOSSES OF DISTILLED SPIRITS BY THEFT, ACCIDENT, OR OTHERWISE THAN BY LEAKAGE OR EVAPORATION, IN WAREHOUSE OR IN TRANSIT THERETO, EXCEPT LOSSES FROM STORAGE TANKS OR STEEL DRUMS FILLED THEREFROM OF BRANDY OR FRUIT SPIRITS INTENDED FOR FORTIFICATION OF WINE

§ 185.207 *Losses by theft*—(a) *From warehouse.* The tax on distilled spirits which are lost by theft from an internal revenue bonded warehouse, not occurring as the result of connivance, collusion, fraud or negligence on the part of the distiller, owner or warehouseman, or the employees of any of them, may be remitted to the extent that the claimant is not indemnified against or recompensed for such tax.

(b) *In transit.* The tax on distilled spirits which are lost by theft while being transferred between buildings constituting the same internal revenue bonded warehouse, or while being transferred by common carrier from the premises of a registered distillery to an internal revenue bonded warehouse off such registered distillery premises, or while being transferred by a common carrier between internal revenue bonded warehouses, and such loss did not occur as a result of connivance, collusion, fraud or negligence on the part of the distiller, owner, consignor, consignee, bailee, or carrier, or the employees of any of them, may be remitted to the extent that the claimant is not indemnified against or recompensed for such tax. (Secs. 2901 (b), (c), 3176, I.R.C.)

§ 185.208 *Losses except by theft.* The tax on distilled spirits not stolen or intentionally destroyed, but lost otherwise than by leakage or evaporation may be remitted to the extent that the claimant is not indemnified against or recompensed for such tax (a) while stored in an internal revenue bonded warehouse, (b) while being transferred between buildings constituting the same internal revenue bonded warehouse, (c) while being transferred by common carrier from the premises of a registered distillery to an internal revenue bonded warehouse off such registered distillery premises, or (d) while being transferred by common carrier between internal revenue bonded warehouses. (Secs. 2901 (b), (c), 3176, I.R.C.)

§ 185.209 *Claims required.* Allowance for losses of distilled spirits as described in §§ 185.207 and 185.208 will be made pursuant to claim filed by the warehouseman for remission of the tax as hereinafter provided. (Secs. 2901 (b), (c), 3176, I.R.C.)

§ 185.210 *Form of claims.* Forms have not been prescribed for use in presenting claims for remission of tax. Such claims shall be made on letter or legal size paper, in duplicate, and shall set forth, under oath, the following information:

(1) The name of the distiller who produced the spirits, and the registered number and location of the distillery;

(2) The serial numbers of the packages, cases, or storage tanks from which the spirits were lost. In the case of tank cars, the car numbers will be stated;

(3) The quantity of spirits lost from each package or other container, and the total quantity of spirits covered by the claim;

(4) The total amount of tax for which the claim is filed;

(5) The date of the loss, or, if such date is not known, the date on which the loss was discovered and the cause and nature thereof, together with all the facts surrounding the loss;

(6) The name of the common carrier, if any;

(7) Whether the loss was due to theft, accident, or otherwise than to leakage or evaporation;

(8) If lost by theft, the facts showing that the loss did not occur as the result of any negligence, connivance, collusion, or fraud on the part of the distiller, owner, warehouseman, consignor, consignee, bailee, or carrier, or the employees of any of them;

(9) Whether the claimant is indemnified or recompensed for the loss, and, if so, the amount and nature of such indemnity or recompense. The actual value of the spirits, less the tax, must be stated explicitly, and certified copies of all policies of insurance or other documents of indemnity covering the spirits must be furnished. (Secs. 2901 (b), (c), 3176, I.R.C.)

§ 185.211 *Supporting documents.* Claims for remission of tax on spirits lost while being transferred by common carrier shall be supported, whenever possible, by a copy of the bill of lading and statements of the agents of the common carrier having personal knowledge of the loss. Claims covering losses in the bonded warehouse, or while being transferred between buildings constituting the same bonded warehouse, must be supported by affidavits of persons having personal knowledge of the loss. (Secs. 2901, 3176, I.R.C.)

§ 185.212 *Filing of claims.* Claims for the remission of tax on spirits will be filed with the supervisor of the district in which is located the bonded warehouse to which the spirits are being transferred, or at which the loss occurred. Such claims should be filed within 30 days after the loss is discovered. (Sec. 3176, I.R.C.)

§ 185.213 *Report of losses.* Losses of distilled spirits by theft, accident, or otherwise than by leakage or evaporation, must be reported to the district supervisor by the warehouseman or other persons concerned immediately after the losses are discovered. Where losses of spirits occur while being transferred by common carrier and are ascertained at the time of receipt at a bonded warehouse, or where losses occur while in a bonded warehouse, or while being transferred between buildings constituting the same warehouse, and are ascertained while an officer is on duty, such officer immediately will gauge the contents of the package, or other approved container, and prepare Form 1520, in quadruplicate. The officer will prepare a letter report, in triplicate, to the district supervisor setting forth the nature, cause, and extent of the loss in sufficient detail to bring out all the known material facts and circumstances. The condition of each package or other container from which the loss has been sustained and the quantity lost therefrom should be stated in the report. The officer will forward two copies of Form 1520 and two copies of the report to the district supervisor, deliver one copy of Form 1520 to the warehouseman, and retain one copy of Form 1520 and the report for his files. (Sec. 3176, I.R.C.)

§ 185.214 *Investigation by district supervisor.* Where large losses of spirits are reported, the district supervisor will immediately make such investigation and require such evidence to be submitted as he may deem necessary, and will advise the Commissioner of his findings and recommendations relative to remission of the tax on the spirits. (Sec. 3176, I.R.C.)

§ 185.216 *Records.* The storekeeper-gauger will report all losses of distilled spirits by theft, accident, or otherwise than by leakage or evaporation in his monthly return, Form 1513. The district supervisor will likewise enter such losses in the appropriate bonded spirits account, Form 1514, in the manner indicated by the form. (Secs. 2915, 3953 (a), 3170, 3176, I.R.C.)

§ 185.217 *Remission of tax.* If the entire contents of a container are lost by theft, accident, or otherwise than by leakage or evaporation, and a claim for remission of the tax is allowed, the district supervisor will take credit for the allowance in the appropriate bonded spirits account, Form 1514, upon receipt of notice from the Commissioner of the allowance. If the tax is remitted on a portion of the contents of a container

still in bond, the district supervisor will instruct the storekeeper-gauger to affix to the container a label showing the number of proof gallons on which the tax has been remitted, the date of allowance, and bearing the signature and title of the storekeeper - gauger. The storekeeper - gauger will, upon labeling the container, note such data on the Form 1520, 1619, or 1620 covering the deposit of the spirits in the warehouse. (Secs. 3953 (a), 3170, 3176, I.R.C.)

§ 185.218 *Credit upon withdrawal.* Upon withdrawal of the container, the storekeeper-gauger will give credit for the quantity of spirits on which the tax has been remitted, by deducting such quantity from the original contents, and, in the case of packages and tank cars, will note such allowance on the report of the withdrawal gauge, Form 1520. (Secs. 2901, 3170, 3176, I.R.C.)

§ 185.219 *Failure to file claim.* Where distilled spirits are reported to have been lost by theft, accident, or otherwise than by leakage or evaporation (a) while in a bonded warehouse, (b) while in transit thereto by a common carrier, or (c) while being transferred between buildings constituting the same bonded warehouse, and claim for remission of the tax on such spirits is not filed as hereinbefore provided, the district supervisor will report the matter to the Commissioner for assessment in accordance with prescribed procedure, except that assessment will not be recommended in the case of any package where the loss does not exceed the maximum statutory allowance by 50 per cent or more, or such loss is less than 5 proof gallons. If the loss from a package exceeds such limitation and is without fault or negligence of the warehouseman, he may file application to retain the package in bond in accordance with § 185.195. (Sec. 3176, I.R.C.)

§ 185.225 *Losses requiring claim.* Allowance for losses of brandy or fruit spirits intended for the fortification of wine by leakage or evaporation from warehouse storage tanks in excess of 1 per cent of the quantity deposited in the tank will be made pursuant to claim filed by the distiller or warehouseman. The claim must conform to the requirements set forth in § 185.210 dealing with losses by theft, accident, or otherwise than by leakage or evaporation. (Secs. 3031 (b), 3176, I.R.C.)

§ 185.289 *Procedure.* Where spirits are received in bond in tank cars at an internal revenue bonded warehouse and are tax-paid thereat, the procedure hereinbefore prescribed for the tax-payment of tank cars of spirits filled from warehouse storage tanks will be followed, except that the spirits in the tank car will not be regauged but will be tax-paid on the filling gauge, unless a loss was sustained by theft, accident, or otherwise than by leakage or evaporation, either in transit or subsequent to receipt at the warehouse, and a claim for remission of the tax on the spirits so lost is filed. In the latter event, the spirits will be tax-paid according to the regauge made at the time of receipt or subsequent loss. (Secs. 2883, 2901, 3176, I.R.C.)

§ 185.299 *Transfers in packages.* If the spirits to be transferred are in original packages or in packages filled from warehouse storage tanks, the storekeeper-gauger will inspect the packages and supervise the weighing thereof as provided in the Gauging Manual, and will prepare Form 1619, in quintuplicate, in accordance with the instructions on the form. Immediately after the packages are weighed for transfer in bond, the proprietor may, if he so desires, take the proof of the spirits, provided such is done expeditiously and additional storekeeper-gaugers will not be required to supervise the operation. The taking of average or actual tare will not be permitted. If the warehouseman prepares a record of such commercial gauge, two copies thereof will be given to the storekeeper-gauger who will retain one copy and forward the other to the storekeeper-gauger at the receiving warehouse, as hereinafter provided, for reference if claim is filed for loss by theft, accident, or otherwise than by leakage or evaporation. Upon withdrawal for transfer the packages will be marked as provided in the Gauging Manual. (Secs. 2875, 3176, I.R.C.)

§ 185.301 *Transfer in tank cars.* If the spirits to be transferred are in a previously filled tank car, the storekeeper-gauger will inspect the car and prepare Form 1520, in quintuplicate, copying the details from the entry Form 1520, except that if the contents of the tank car were previously regauged owing to evidence of loss of spirits therefrom by theft, accident, or otherwise than by leakage or evaporation, the transfer Form 1520 will show both the original contents and the contents disclosed by the regauge. When the tank car is released, the key of each seal lock thereon will be forwarded on the day of shipment by the storekeeper-gauger at the transferring warehouse to the storekeeper-gauger at the receiving warehouse. (Secs. 2875, 3176, I.R.C.)

§ 185.324 *Deficiencies to be tax-paid.* If the regauge after reduction shows that the packages contain less spirits than at the time of the withdrawal regauge, such deficiency shall be tax-paid in accordance with § 185.326, unless such deficiency is attributable to theft, accident, or otherwise than by leakage or evaporation, and claim for the remission of the tax thereon is filed. (Secs. 2885, 2886, 3176, I.R.C.)

§ 185.329 *Export bond*—(b) *Continuing bond, direct export, Form 657.* If distilled spirits are to be withdrawn for direct exportation from time to time on one bond, a continuing bond, Form 657, in triplicate, shall be filed. The penal sum of such bond shall be sufficient to cover the tax at the distilled spirits rate on the maximum quantity of distilled spirits that may remain unaccounted for at any one time, but in no case shall the penal sum be less than $1,000. Distilled spirits withdrawn for exportation under direct export bonds shall remain unaccounted for until satisfactory proof of landing abroad is filed with the district supervisor in accordance with § 185.387 or § 185.391, or until satisfactory proof of loss at sea without fault or neglect of the owner or shipper has been submitted in accordance with § 185.402, and claim for remission of the tax on the spirits so lost has been allowed by the Commissioner. (Secs. 2885, 2886, 3170, 3176, I.R.C.)

* * * * *

(d) *Continuing bond, transportation for export, Form 658.* If spirits are to be withdrawn for transportation for export from time to time on one transportation for export bond, a continuing bond, Form 658, in triplicate, shall be executed. The bond will be in a penal sum sufficient to cover the tax at the distilled spirits rate on the maximum quantity of distilled spirits that may remain unaccounted for at any time, but in no case shall the penal sum be less than $1,000. Distilled spirits withdrawn for transportation for export shall remain unaccounted for until satisfactory proof of clearance of the spirits from the port of export is filed with the district supervisor in accordance with § 185.384 or § 185.385. (Secs. 2885, 2886, 3170, 3176, I.R.C.)

§ 185.333 *Delivery to carrier.* If the spirits are withdrawn from a bonded warehouse located elsewhere than at the port of exportation, the exporter will deliver the shipment to a carrier for transportation to the port of exportation. He shall procure a copy of the bill of lading covering such transportation and deliver it to the storekeeper-gauger at the bonded warehouse. The spirits must be consigned to the *collector of customs* of the port of export, and must be properly described in the bill of lading by serial numbers, kind, and quantity. (Secs. 2885, 2886, 3176, I.R.C.)

§ 185.334 *Delivery directly for customs inspection.* Where the spirits are withdrawn from a bonded warehouse located at the port of exportation, the exporter will deliver the shipment directly for customs inspection and supervision of lading. A copy of the export bill of lading shall be procured and filed with the district supervisor for attachment to the copy of Form 206 retained by him. (Secs. 2885, 2886, 3176, I.R.C.)

§ 185.335 *Exportation through border port, etc.* In case of exportation through a border port to contiguous foreign territory, the bill of lading will cover the transportation of the spirits to their destination, and must show the routing, particularly as to the carrier which will deliver the shipment for customs inspection at the border. The shipment must be consigned in care of the collector of customs or deputy collector of customs at the border port. The exporter shall deliver one copy of the bill of lading to the storekeeper-gauger at the bonded warehouse. In case of transportation of the spirits from a bonded warehouse, located elsewhere than at the port of exportation, for shipment by vessel, the exporter shall furnish a copy of the transportation bill of lading and a copy of the export bill of lading to the district supervisor for attachment to the copy of Form 206 retained by him. (Secs. 2885, 2886, 3176, I.R.C.)

§ 185.336 *Disposition of forms.* When the packages have been delivered and the

exporter has furnished copies of the bill of lading, the storekeeper-gauger will forward immediately a complete set of the forms (206, 1520, and bill of lading) to the district supervisor, and one copy each of Forms 206 and 1520 to the collector of customs at the port of exportation. (Secs. 2885, 2886, 3170, 3176, I.R.C.)

§ 185.344 *Deficiencies to be tax-paid.* All losses in excess of the statutory allowance on account of leakage and evaporation, as disclosed by the regauge of the distillers' original packages, and any additional loss in transferring the spirits to the new packages, as shown by the gauge of such packages, must be tax-paid in accordance with § 185.348, unless such loss is attributable to theft, accident, or otherwise than by leakage or evaporation, and claim for the remission of the tax thereon is filed. (Secs. 2885, 2886, 2901, 3176, I.R.C.)

§ 185.397 *Tax to be reported for assessment.* If, upon examination of Forms 691 and 696 received from the collector of customs, it shall appear that there has been a loss of distilled spirits from packages while in transit from the internal revenue bonded warehouse from which withdrawn to the port of exportation, the district supervisor will report for assessment the tax on the deficiency in accordance with prescribed procedure. Where the deficiency from any package does not exceed one proof gallon, and there is no evidence indicative of tampering, the deficiency may be disregarded. Where cases show evidence of loss while in transit, the district supervisor will report for assessment the tax on the deficiency of each such case. (Secs. 2885, 2886, 3176, I.R.C.)

§ 185.432 *Certificate, Form 545.* Receipts of shipments of spirits withdrawn for use of the United States under these regulations shall be promptly certified to on Form 545, in duplicate, by the official representative of the United States or governmental agency thereof to whom deliveries of such shipments are made. Where, on inspection at destination, a loss in transit as to any package is found to exceed 1 proof gallon, such loss will be noted on each copy of Form 545 by the receiving officer who will also specify the serial number of each such package, the loss ascertained as to each, and whether the condition of the package when received indicated that the loss was due to leakage or other cause. Similar notations will be made by the receiving officer on Form 545 where inspection of shipments of spirits withdrawn in cases reveals any loss in transit. (Secs. 3176, 3331, I.R.C.)

§ 185.433 *Disposition of Form 545.* The certificate on Form 545, in duplicate, duly executed by the receiving officer to whom the spirits are delivered and countersigned by the head of the department or independent bureau or establishment in interest, shall be forwarded within 30 days from the date of the withdrawal of the spirits to the district supervisor from whose district the withdrawal was made. The district supervisor will note on Form 545 the quantity of spirits shown by the withdrawal papers to have been withdrawn for shipment. If Form 545 shows a loss in excess of 1 proof gallon from any package or any loss from a case of spirits in transit, the district supervisor will forward a copy of the Form 545 to the Commissioner with his recommendation for assessment of the tax due on the total deficiency. Where Form 545 indicates that no loss of spirits occurred in transit, the district supervisor will forward one copy of the form to the Commissioner. The district supervisor will retain one copy of Form 545. (Secs. 3176, 3331, I.R.C.)

5. The following new sections are added:

§ 185.3 (s) "Common carrier" shall mean one whose occupation is transportation of persons or things from place to place for hire, and who holds himself out to the public as ready and willing to serve the public indiscriminately in the particular line in which he is engaged. (Secs. 2901, 3176, I.R.C.)

LOSSES OF SPIRITS WHILE BEING TRANSFERRED BETWEEN BUILDINGS CONSTITUTING SAME WAREHOUSE

§ 185.506 *General.* In order to claim remission of tax on spirits lost by theft, accident, or otherwise than by leakage or evaporation while being transferred between buildings constituting the same warehouse, the warehouseman must provide facilities for weighing packages in each of such buildings. Where spirits are to be transferred from one such building to another, the warehouseman shall notify the storekeeper-gauger in charge of such intention. The spirits will be transferred under the immediate supervision of the storekeeper-gauger. (Secs. 2901, 3176, I.R.C.)

§ 185.507 *Procedure.* If the spirits to be transferred are in original packages or in packages previously filled from warehouse storage tanks, the storekeeper-gauger will inspect and supervise the weighing of the packages prior to the transfer. If the storekeeper-gauger or the warehouseman has reason to believe the packages have sustained a loss by theft, accident, or otherwise than by leakage or evaporation during the transfer, the packages shall be weighed immediately upon receipt in the building to which transferred; otherwise the packages shall not be weighed. If the spirits are contained in cases, the storekeeper-gauger will inspect the cases before and after transfer. If it is ascertained that the packages or cases have sustained a loss of spirits by theft, accident, or otherwise than by leakage or evaporation, a report will be made to the district supervisor in accordance with § 185.213, and a claim may be filed in accordance with § 185.210. (Secs. 2901, 3176, I.R.C.)

VOLUNTARY DESTRUCTION OF SPIRITS

§ 185.508 *General.* Distilled spirits stored in an internal revenue bonded warehouse, which are found by the Commissioner to be unfit for use for beverage purposes, may be voluntarily destroyed without payment of tax by the warehouseman in accordance with the procedure herein set forth. (Secs. 2901, 3176, I.R.C.)

§ 185.509 *Application.* The warehouseman will make written application to the district supervisor of the district in which the warehouse is located for permission to destroy such spirits. The application shall specify the kind and approximate quantity in wine gallons and proof gallons of such distilled spirits; the name, address, and registered distillery number of the distiller who produced such spirits; the date of production; the serial numbers of the barrels, tanks, or cases in which such spirits are stored, and a statement showing the condition of the spirits which renders them unfit for beverage purposes. (Secs. 2901, 3176, I.R.C.)

§ 185.510 *Action by supervisor.* Upon receipt of such application, the district supervisor will require an inspection to be made of the spirits by the storekeeper-gauger to determine the correctness of the application and to procure a sample from each barrel, tank, or case for submission to the district chemist for analysis to determine whether the spirits are unfit for beverage purposes. Each sample will consist of one pint, or if deemed advisable, one quart, in the case of barrels and tanks, and a bottle from each bottling lot. The bottle containing the sample will be labeled in such manner as will readily identify the spirits. The samples will be forwarded to the district chemist at the expense of the warehouseman. The district chemist will analyze the samples and furnish a report of such analysis to the district supervisor. The unused portion of the samples will be retained by the district chemist for further examination, if necessary. The district supervisor will forward the application of the warehouseman, a copy of the storekeeper-gauger's report, and a copy of the district chemist's report of analysis to the Commissioner with his recommendation. (Secs. 2901, 3176, I.R.C.)

§ 185.511 *Action by Commissioner*—(a) *Unfit for beverage purposes.* If the Commissioner finds that the spirits are unfit for beverage purposes, he will authorize the district supervisor to permit such spirits to be destroyed by the warehouseman under the supervision of the storekeeper-gauger.

(b) *Fit for beverage purposes.* If the Commissioner finds that the spirits are fit for beverage purposes, he will disapprove the application and notify the district supervisor of such disapproval. The district supervisor will thereupon inform the warehouseman that the spirits have been determined to be fit for beverage purposes and that they may not be destroyed without payment of tax. (Secs. 2901, 3176, I.R.C.)

§ 185.512 *Destruction*—(a) *Regauge.* Spirits authorized to be destroyed will be regauged by the storekeeper-gauger and reported for that purpose on Form 1520, in quadruplicate. Following such regauge and payment of tax on any deficiency as hereinafter set forth, the

spirits may be destroyed under the immediate supervision of the storekeeper-gauger by running the same into the sewer or by other suitable means. The storekeeper-gauger will then certify to such destruction on the Form 1520, return one copy of the form to the warehouseman, retain one copy for his file, and forward one copy to the district supervisor. He will take appropriate credit for the spirits so destroyed at a special line on Form 1513. The district supervisor will take appropriate credit for the spirits so destroyed at a special line on Form 1514.

(b) *Tax-payment of losses.* If the regauge discloses losses in excess of the statutory allowance, such losses must be tax-paid prior to destruction of the spirits. The Form 1520, in quadruplicate, will be submitted to the collector accompanied by the warehouseman's remittance for the tax. Upon collection of the tax, the collector will certify the tax-payment on the four copies of the Form 1520, retain one copy of the form, and forward three copies of the form to the warehouseman. The collector will list the item on his current distilled spirits tax list. The warehouseman will return the three copies of Form 1520 received from the collector to the storekeeper-gauger. (Secs. 2901, 3176, I.R.C.)

§185.513 *Prior losses.* Any claims for remission or refund of the tax on spirits lost prior to April 9, 1942, shall be subject to the provisions of section 2901 of the Internal Revenue Code and of these regulations as they existed prior to that date.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: April 30, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-3944; Filed, May 1, 1942; 5:03 p. m.]

[T.D. 5140]

PART 186—GAUGING MANUAL

AMENDING THE GAUGING MANUAL

By virtue of and pursuant to the provisions of section 2901 (a), Internal Revenue Code, as amended by the Act approved April 8, 1942, (Pub. Law 519—77th Cong.) Paragraph 107 of the Gauging Manual, approved November 21, 1938, is hereby amended to read as follows:

PAR. 107. On and after April 9, 1942, if, upon regauge of packages of spirits for withdrawal from internal revenue bonded warehouse, it shall appear that there has been a loss of spirits by leakage or evaporation from any package, without the fault or negligence of the distiller or proprietor of the warehouse, allowance for the loss actually sustained will be made to the extent authorized by section 2901 (a), Internal Revenue Code, as amended, and as set forth in the following schedule, for the period the spirits have been in warehouse. Losses in excess of such quantity must be tax-paid. The period for which allowance of losses will be made begins to run from the date of original gauge as to fruit brandy, and the date of original entry into warehouse as to other spirits.

SCHEDULE OF ALLOWANCES FOR LOSS BY LEAKAGE AND EVAPORATION

Period of storage in warehouse		Maximum allowance casks of 40 wine gallons capacity or more
More than—	Not more than—	
Months	*Months*	*Proof gallons*
----------	2	1.5
2	4	2.5
4	6	3.0
6	8	3.5
8	10	4.0
10	12	4.5
12	14	5.0
14	16	5.5
16	18	6.0
18	21	6.5
21	24	7.0
24	27	7.5
27	30	8.0
30	33	8.5
33	36	9.0
36	39	9.5
39	42	10.0
42	45	10.5
45	48	11.0
48	51	11.5
51	54	12.0
54	57	12.5
57	60	13.0
60	63	13.5
63	66	14.0
66	69	14.5
69	72	15.0
72	75	15.5
75	78	16.0
78	81	16.5
81	84	17.0
84	90	17.5
90	----------	18.0

(a) The foregoing allowance shall not apply to distilled spirits which on July 26, 1936, were eight years of age, or older, and which on that date were in bonded warehouses.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: April 30, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-3940; Filed, May 1, 1942; 5:03 p. m.]

[T.D. 5141]

PART 192—FERMENTED MALT LIQUORS

AMENDING REGULATIONS 18

Pursuant to the provisions of sections 3153 (b) and 3176 of the Internal Revenue Code, §§ 192.212, 192.214, 192.217, 192.218 and 192.222 of Regulations 18 (Title 26, Part 192, Code of Federal Regulations), are hereby amended to read as follows:

§ 192.212 *Delivery to carrier.* The brewer, upon release of a shipment for export, will deliver such fermented liquor either to the carrier or directly for customs inspection. If the place of manufacture is located at the port of exportation, he will deliver the shipment directly for customs inspection and supervision of lading, and will file a copy of the export bill of lading with the district supervisor. If the place of manufacture is located elsewhere than at the port of exportation, he will deliver the shipment to the common carrier for transportation to the port of exportation, and procure one copy of the bill of lading covering such transportation, which he will forward to the district supervisor of the district from which the shipment was made. (Secs. 3153 (b), 3176, I.R.C.)

§ 192.214 *Exportation through border port.* In case of exportation through a border port to contiguous foreign territory, the bill of lading will cover transportation to the foreign destination, and must show the routing, particularly the carrier which will deliver the shipment for customs inspection at the border; also that shipment was sent in care of the collector of customs or deputy collector of customs at the border port: *Provided,* That where a through bill of lading is not obtainable, separate bills of lading covering the shipment from the place of manufacture to the border port and from the border port to the foreign destination will be procured. A copy of the through bill of lading, or copies of the separate bills of lading, as the case may be, will be transmitted by the brewer or his agent immediately by letter to the supervisor of the district from which the shipment was made, for attachment to the copy of application and entry, Form 550. (Secs. 3153 (b), 3176, I.R.C.)

§ 192.217 *Shipment by vessel.* If the place of manufacture is located elsewhere than at the port of exportation, and the shipment is to be exported by vessel immediately, the brewer shall forward a copy of the transportation bill of lading as provided by § 192.212, and a copy of the export bill of lading to the supervisor of the district from which the shipment was made, for attachment to the copy of Form 550 retained by him. He will also forward two copies of the Form 550 to his agent at the port of exportation. The two copies of the Form 550 must reach the agent in sufficient time for him to file them with the collector of customs of the port at least six hours prior to lading. The agent shall see that the name of the exporting vessel is properly entered in the Form 550, giving the location of the pier where it will be laden, and shall subscribe his name as agent for the exporter. (Secs. 3153 (b), 3176, I.R.C.)

§ 192.218 *Shipment to contiguous foreign territory.* In case of exportation to contiguous foreign territory by rail through a border port, the brewer shall retain one copy of the Form 550 and forward two copies thereof immediately to the collector of customs of the border port through which the shipment will be routed for exportation. A copy of the bill of lading will be forwarded to the district supervisor as provided by § 192.214. (Secs. 3153 (b), 3176, I.R.C.)

§ 192.222 *Certificate of exportation.* After inspection, lading, and clearance for a foreign port of the vessel or vehicle on which the fermented malt liquor described in the entry is laden, the collector of customs shall execute his certificate of exportation on the back of each copy of the Form 550. He shall retain one copy of the Form 550 for his entry record, and transmit the other, fully executed, to the supervisor of the district from which the fermented malt liquor was shipped. (Secs. 3153 (b), 3176, I.R.C.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: April 30, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-3941; Filed, May 1, 1942; 5:03 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1377]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: April 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2371	B & M Coal Co., The (L. P. McCormick).	B & M	U. Freeport	1	Kaylor, Pa	WA	21	F	F	E	E	E	E	F	F	F	---	---	---	---	---	---	---
2372	Chiri, Leon	Irma #2 (Strip)	Pittsburgh	7	Imperial, Pa	Mont	72	D	D	C	C	F	F	G	G	G	---	---	---	---	---	---	---
2357	Erminio, Emilio (Leckrone Coal & Coke Company).	Keena	Pittsburgh	3	Puritan Works #1, Pa	Monon	30	---	---	---	---	---	B	---	---	---	---	---	---	---	---	---	---
2355	Groves Coal Co. (H. K. Christy)	Groves (Strip)	L. Freeport	1	Cowan, Pa	B&O	15	F	F	E	E	E	E	F	F	F	---	---	---	---	---	---	---
361	Hoffstot, J. G	La Belle	Pittsburgh	3	La Belle, Pa	Monon	30	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	---	B	B	B	(*)	(*)	(*)
1915	Johnston, J. H. (Vance Coal Co.)	Miller (Strip)	Brookville	1	Zelienople, Pa	B&O	23	J	J	H	H	H	H	J	J	J	---	---	---	---	---	---	---

NOTE: Freight Origin Group No. 15 will take the same necessary and permissible adjustments as Freight Origin Group No. 22 into Market Areas Tidewater 1, 2, 3, 4, and 100; same adjustments as Freight Origin Group No. 10 in Market Area 5, 10, 11, 12, 13, 14, and 16, and for movement Via Lake Ontario Ports; same adjustments as Freight Origin Group No. 83 for movement Via Lake Erie Ports, and same adjustments as those assigned to Freight Origin Group No. 10 to specific destinations as shown on pages 28 and 30 of Price Schedule No. 1.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 2: 1915, 2355, 2372; Group No. 7: 2357; Group No. 12: 2371.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1¼" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ARMSTRONG COUNTY														
Anthony, O. S.	2347	Fulton (Strip) [1]	L. Kitt	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
Groves Coal Co. (H. K. Christy)	2355	Groves (Strip)	L. Freeport	2702	602	502	302	252	152	002	051	851	751	65
BUTLER COUNTY														
B. & M. Coal Co., The (L. P. McCormick)	2371	B. & M.	U. Freeport	3253	052	852	652	602	452	452	301	901	801	70
FAYETTE COUNTY														
Frederick, E. M. & John W. White (E. M. Frederick)	2370	Hutchinson #1 (Strip)	Pittsburgh	2002	802	702	502	302	202	152	202	052	001	75
Lemont Coal Company (B. H. Madera)	2373	Lemont #4	Pittsburgh	3103	002	902	702	502	402	352	402	102	001	85
WASHINGTON COUNTY														
Chiri, Leon	2372	Irma #2 (Strip)	Pittsburgh	2752	652	552	402	152	102	102	201	801	701	60

[1] The mine name "Fulton (Deep)" previously assigned this mine is no longer applicable.

[F. R. Doc. 42–3916; Filed, May 1, 1942; 11:37 a. m.]

[Docket No. A–937]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER CORRECTING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS FOR WHICH PRICE CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES HAVE NOT BEEN HERETOFORE ESTABLISHED

It appears that the petition in this proceeding proposed the establishment of price classifications and minimum prices for the coals of the Chaplow mine (Mine Index No. 2269) of the Stoker Coal Sales Company, for All Shipments Except Truck, but that through inadvertence such price classifications and minimum prices were established for the coals of the Chaplow mine (Mine Index No. 1371);

It further appears that Mine Index Nos. 1371 and 2269 are deep and strip mines, respectively, having the same mine name and being on the same property, and that the present operator of Mine Index No. 2269 is Tri-County Fuel Company.

It is therefore ordered, That the price classifications and minimum prices established in Supplements R–I, R–II, R–III, R–IV and R–V in the Order of July 21, 1941, 6 F.R. 3913, herein for the coals of Mine Index No. 1371 be revoked effective 15 days from the date of this Order.

It is further ordered, That commencing forthwith, the price classifications and minimum prices established in Supplements R–I, R–II, R–III, R–IV and R–V in the Order of July 21, 1941, herein, for the coals of Mine Index No. 1371 be applicable to the coals of the Chaplow mine (Mine Index No. 2269) of the Tri-County Fuel Company, for All Shipments Except Truck.

Dated: April 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–3913; Filed, May 1, 1942; 11:36 a. m.]

[Docket No. A–1407]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE OAKWOOD COAL CO. MINE (MINE INDEX NO. 1015) OF OAKWOOD COAL COMPANY, CODE MEMBER IN DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Oakwood Coal Co. Mine (Mine Index No. 1015) of Oakwood Coal Company, code member in District 10, for all shipments except truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.2 (*Mine index numbers*) is amended by adding thereto Supplement R–I, and § 330.10 (a) (2) (*Special prices—Railroad locomotive fuel prices*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: April 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*—Supplement R–I

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
14	Oakwood Coal Company.....	Oakwood Coal Co.....	1015	71	Oakwood, Ill.....	NYC.

Mine Index No. 1015 shall be included in Price Group 14 and shall take the same f. o. b. mine prices as other mines in Price Group 14, Schedule No. 1, District No. 10, for All Shipments Except Truck, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel: *Provided, however,* That these f. o. b. mine prices apply on board transportation facilities at Oakwood, Illinois.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.10 (a) (2) *Special prices—Railroad locomotive fuel prices*—Supplement R–II

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
14	Oakwood Coal Company.....	Oakwood Coal Co.....	1015	71	Oakwood, Ill.....	NYC.

The railroad locomotive fuel price shall be: Mine run—$1.95—modified mine run $2.00—screenings—$1.40 f. o. b. cars Oakwood, Illinois.

[F. R. Doc. 42-3914; Filed, May 1, 1942; 11:36 a. m.]

[Docket No. A-36, Part III]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE DITNEY HILL MINE (MINE INDEX NO. 115) OF THE INGLE COAL COMPANY

This proceeding was instituted upon a petition, as amended, filed with the Bituminous Coal Division on October 11, 1940, by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The Board in its petition requested the establishment of price classifications and minimum prices for the coals of the Ditney Hill Mine (Mine Index No. 115) of the Ingle Coal Company, a code member in District 11.

In accordance with this prayer for relief and in absence of opposition thereto, the Director, in an Order dated October 26, 1940, 5 F.R. 4349, granted temporary relief as requested for the coals of the Ditney Hill Mine.

Pursuant to Orders of the Director and after due notice to all interested persons, hearings in this matter were held on January 29, 1941, July 2, 1941, and September 18, 1941, before duly designated examiners of the Division. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 11 appeared. The preparation and filing of a report by the examiner was waived.

On October 17, 1941, 6 F.R. 5584, the Director issued Findings of Fact and Conclusions of Law, and rendered an Opinion in this matter and entered an Order in accordance therewith. The Director found that the coals of the Ditney Hill Mine should be given the same permanent price classifications as the coals of the mines in Price Group 10 and Freight Origin Group No. 71 of the Schedule of Effective Minimum Prices for District No. 11 For All Shipments Except Truck, except that the prices for coals in Size Groups Nos. 1, 2, and 3 should be increased 15¢ per ton. However, the Director found that the 1½" x 0 and 1¼" x 0 raw screenings produced at the Ditney Hill Mine appeared to be of an inferior quality due to an excessive amount of ⅜" fines and that the Ingle Coal Company had found it difficult to move these raw screenings. To remedy this situation, an attempt to mechanically clean these coals had been made, but the producer had been forced to abandon this project. Finally, in an effort to enhance their marketability, dry dedusting equipment has been installed, but since the improvement in the quality of the screenings effected by the use of this equipment was not known, the Director found that, as a temporary measure, minimum prices for dry dedusted screenings in Size Groups 26 and 27 should be established for a period of 90 days from the date of the Order at the same prices as before established for Standard Fifth Vein coals in Size Groups 13 and 14, or at prices 10¢ per ton less than the established minimum prices for the same sizes of coal produced at other mines producing Standard Fifth Vein coals. The Director stated that the purpose of this was to afford District Board 11 an opportunity to study the effect of the use of the dry dedusted screenings produced at the Ditney Hill Mine and to determine whether it cared to propose new prices for the coals in these size groups.

On December 29, 1941, District Board 11 filed a Motion for Extension of Temporary Relief. The motion alleged that although the engineer for District Board 11 had visited the Ditney Hill Mine on December 9, 1941, to make arrangements to screen samples of the dry dedusted screenings for analyses, he had found that no satisfactory method for preparing the dry dedusted screenings had yet been obtained and that certain changes in the method employed were necessary. By Order of the Acting Director, dated January 14, 1942, the temporary relief heretofore granted was extended for an additional period of 60 days.

On March 5, 1942, District Board 11 filed another Motion for Extension of Temporary Relief. The motion alleged, *inter alia,* that because the method employed at the mine to dedust screenings had recently been changed, the District Board was of the opinion that the dry dedusted screenings currently being prepared were not representative of the product that would be produced under normal and efficient operation. By Order of the Acting Director, dated March 14, 1942, temporary relief was again extended for an additional period of 60 days.

On March 30, 1942, District Board 11 filed a motion to further amend the original petition, as amended, with respect to the temporary prices established for Size Groups 26 and 27. The District Board stated that at its regular meeting held on March 25, 1942, all available pertinent data with respect to the quality and relative market value of the coals produced from the Ditney Hill Mine in Size Groups 26 and 27 was considered and that based upon its consideration of such data the District Board resolved that the temporary prices heretofore established for said sizes of coal be made permanent. It therefore proposed that the temporary prices that have been accorded the Ditney Hill Mine in Size Groups 26 and 27, the same as have been established for Standard Fifth Vein coals in Size Groups 13 and 14, respectively, should be made conditionally final.

Thus, this proceeding has come up for final determination with the only issue remaining that of proper prices for Size Groups 26 and 27. Such evidence as there is on this matter indicates that due particularly to the high moisture, both inherent and free in the raw screenings, the ability of dedusting screenings to improve the quality of these coals has not been known. District Board 11 has investigated the matter at some length. It is of the opinion that the dedusted screenings from this mine are inferior to those from other mines with Standard Fifth Vein coals and that the temporary prices heretofore established should be made permanent. No opposition has ever been expressed to these temporary prices or to the District Board's present proposal. Upon a study of the record, I find and conclude that the temporary prices that have been established for the Ditney Hill Mine in Size Groups 26 and 27, the same as have been established for Standard Fifth Vein coals in Size Groups 13 and 14, respectively, should be made permanent sixty (60) days from the date of this Order. These prices are set forth in Supplement R, annexed hereto

and made a part hereof. These prices effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and comply in all respects with the standards thereof.

Now, therefore, it is ordered, That § 331.5 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 11 For All Shipments Except Truck be, and it hereby is, amended in accordance with the classifications and minimum prices set forth in Supplement R, annexed hereto and made a part hereof: *Provided, however,* That the prices established for Size Groups 26 and 27 shall only be conditionally final as hereinafter provided.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted as to Size Groups 26 and 27 shall become final sixty (60) days from the date of this Order, unless otherwise ordered.

Dated: April 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Name of code member	Mine	Seam	Subdistrict	Freight origin group	Price group	Railroad	Shipping point
115	Ingle Coal Company.....	Ditney Hill.....	VII	PA	71	10	NYC	Elberfeld, Ind.

Mine Index No. 115 shall be included in Price Group 10 and shall be accorded the prices shown for other mines in Price Group 10 listed in Price Schedule No. 1 for District No. 11 for All Shipments Except Truck for shipment into various Market Areas, except size groups 1 to 3 inclusive shall be increased fifteen cents per ton and size groups 26 and 27 shall be reduced ten cents per ton. It shall also be accorded adjustments in f. o. b. mine prices on account of differences in freight rates as those applicable to other mines in Freight Origin Group 71, having the same freight rates.

Mine Index No. 115 shall be accorded the same prices for Railroad Locomotive Fuel as shown in § 331.10 in Minimum Price Schedule for District No. 11 for All Shipments Except Truck as those shown for Mine Index Nos. 9, 31 and 36.

[F. R. Doc. 42-3915; Filed, May 1, 1942; 11:36 a. m.]

[Docket No. A-1361]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8 PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

In an Order dated April 9, 1942, 7 F.R. 2928, granting Temporary Relief and Conditionally Providing for Final Relief in the above-entitled matter, Round Mountain, Tennessee, was not established as a shipping point for the coals of the Brimstone Mine (Mine Index No. 67) of the Brimstone Coal Company, as requested in the original petition for the reason that it was not then located on a common carrier and no published freight rates were available for shipment from this point. It appears that prior to April 21, 1942, coals from the Brimstone Mine were transported from the mine which is located at Round Mountain, Tennessee, by private railroad to New River, Tennessee, which was the shipping point established for the coals of this mine in General Docket No. 15, but that on April 21, 1942, pursuant to I.C.C. Tariffs Nos. 1 and 2 effective April 20, 1942, the private railroad began to operate as a common carrier known as the Brimstone Railroad Company. Round Mountain, Tennessee, therefore, is now located on a common carrier and should be designated as the shipping point for the coals of this mine.

No petitions of intervention have been filed with the Division in the above-entitled matter and the following action is deemed necessary in order to effectuate the purposes of the Act.

Now, therefore, it is ordered, That, commencing forthwith Supplement R–I, § 328.11 (*Alphabetical list of code members*) in the Order dated April 9, 1942, is amended and Round Mountain, Tennessee, on the Brimstone Railroad in Freight Origin Group No. 73 (which Freight Origin Group shall take the same price adjustment as Freight Origin Group No. 70) is established as the shipping point for the coals of the Brimstone Mine (Mine Index No. 67) of the Brimstone Coal Company in place of New River, Tennessee, heretofore established as the shipping point for the coals of this mine.

It is further ordered, That in all other respects the Order of April 9, 1942, in the above-entitled matter shall remain in full force and effect.

Dated: May 1, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3981; Filed, May 4, 1942; 10:21 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operation

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

AMENDMENT NO. 2 OF PRIORITIES REGULATION NO. 1 [1]

Section 944.1 (b) (1) (ii) of Priorities Regulation No. 1 is amended to read as follows:

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates, and Yugoslavia. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 1st day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3947; Filed, May 1, 1942; 5:07 p. m.]

PART 960—CHLORINE AND PRODUCTS CONTAINING AVAILABLE CHLORINE

GENERAL PREFERENCE ORDER NO. M-19, AS AMENDED MAY 1, 1942

Section 960.1 (*General Preference Order No. M-19, as amended*) is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Chlorine for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 960.1 *General preference order M-19*—(a) *Definitions.* (1) "Chlorine" means gaseous and liquid chlorine;

(2) "Products containing available chlorine" means any product which readily releases chlorine, including, but not by way of limitation, all combinations of chlorine with caustic soda, soda ash, or lime, such combinations being commonly known by one or more of the following names: Sodium hypochlorite, liquid bleach, true or high-test calcium hypochlorite, chlorinated lime, chloride of lime, bleaching powder, or sodium chlorite, and also including solutions of such products or any mixture containing such products;

(3) "Producer" means any person engaged in the production of chlorine or products containing available chlorine, and includes any person who has such materials produced for him pursuant to toll agreement;

(4) "Distributor" means any person who purchases chlorine or products containing available chlorine for resale;

[1] 6 F.R. 4489, 5680.

(5) "Supplier" means any producer, distributor or other person who sells or offers for sale chlorine or products containing available chlorine;

(6) "Base period" means the period July 1, 1940 to June 30, 1941.

(b) *Curtailment of chlorine in certain uses.* (1) Except as specifically authorized by the Director of Industry Operations, no person shall hereafter use or consume chlorine in or for the following processes or purposes in excess of the following quantities:

(i) In the manufacture of pulp and paper, such quantity of chlorine as is or may be required to comply with General Limitation Order No. L–11, or any supplement or amendment thereto,

(ii) In textile bleaching or processing, in any one calendar month 50% of one-twelfth of the chlorine consumed by him during the base period,

(iii) In shellac bleaching and processing, in any one calendar month 75% of one-twelfth of the chlorine consumed by him during the base period,

(iv) In linen-supply, hotel and commercial laundry operations, in any one calendar month 50% of one-twelfth of the chlorine consumed by him during such period,

(v) In the manufacture of sodium hypochlorite solutions for retail sale in containers of five-gallon capacity or less, in any one calendar month 60% of one-twelfth of the chlorine consumed by him during the base period,

(vi) In bleaching of wiping rags and wiping waste, in any one calendar month 50% of one-twelfth of the chlorine consumed by him during the base period,

(vii) In the bleaching of foodstuffs, in any one calendar month 10% of one-twelfth of the chlorine consumed by him during the base period.

(2) Except as specifically authorized by the Director of Industry Operations, no person shall hereafter use or consume products containing available chlorine for any process or purpose specified in subdivisions (i), (ii), (iii), (iv), (vi) and (vii) of paragraph (b) (1) hereof in an amount, in terms of available chlorine content, in excess of the use permitted in such subparagraphs.

(3) Hereafter no person shall use or consume chlorine or products containing available chlorine in the manufacture of cosmetics and toilet preparations.

(4) Nothing herein contained shall be construed to restrict any person to the same product or type of product, be it chlorine or product containing available chlorine, that he has heretofore used: *Provided, however,* That the substitution or replacement of any one such product for or by another shall be made only on an equivalent available chlorine basis.

(5) In the case of any person requiring chlorine or products containing available chlorine for any use specified in paragraphs (b) (1) and (2) hereof but who was not a consumer in the base period, his permitted consumption shall be in the same relative proportions indicated in said paragraphs, but shall be based upon his consumption during the month of September, 1941, or such other period as may be directed by the Director of Industry Operations.

(c) *Placing orders.* (1) Each person requiring chlorine, whether for own consumption or resale, shall file with his supplier with his order for chlorine Form PD–190, properly executed by him. Where such supplier is a distributor, such order and Form PD-190 shall be filed with such distributor on or before the 5th day of the month preceding the month in which delivery is sought, and such Form PD–190 shall be filed in triplicate. Where such supplier is a producer, such order and Form PD–190 shall be filed with such producer on or before the 10th day of the month in which delivery is sought and such Form PD–190 shall be filed in duplicate. Where the order filed with a producer is the order of a distributor, the distributor must file with the producer in addition to his own Form PD–190, in duplicate, the original and one copy of each Form PD–190 filed with him pursuant to this paragraph (c) (1) by each customer of his.

(2) Except as specifically authorized by the Director of Industry Operations, no producer or distributor of chlorine shall make, and no person shall accept, delivery of chlorine unless and until such Form PD–190 has been executed and filed in the manner and within the time provided by paragraph (c) (1) hereof.

(3) Each pulp and paper manufacturer requiring chlorine, either purchased or his own production, in addition to filing Form PD–190 with his supplier as provided in paragraph (c) (1) hereof, shall on or before the 15th day of the month preceding the month in which delivery is sought on said Form PD–190, file with the Pulp and Paper Branch of the War Production Board, Washington, D. C., Form PD–190A (in duplicate) properly executed, which shall list among other things the quantity of chlorine ordered from each supplier, the amount of his requirements to be supplied from his own production, if any, and his estimated distribution by use in pulp and paper manufacture of the total quantity of chlorine ordered from others and produced by himself.

(4) Nothing in this paragraph (c) shall be construed to require any person to file Form PD–190 with any order placed by him with his supplier for chlorine for use for potable water treatment or sewage treatment. In lieu of such form, a person ordering chlorine for either such purpose shall endorse on the order the following certification:

It is hereby certified by the undersigned that the chlorine ordered hereon will, upon delivery, be used or resold only for potable water treatment or sewage treatment or both and will not exceed an estimated 30-day supply for such purposes.

_____
Purchaser

By _____
Signature of official

_____
Title

_____
Date

(d) *Delivery schedules.* (1) Each producer of chlorine shall, except as the Director of Industry Operations may otherwise direct, on or before the 15th day of each calendar month, file with the Chemicals Branch of the War Production Board, Washington, D. C. Form PD–191 (in duplicate) properly executed, which shall list among other things a schedule of deliveries of chlorine which such producer proposes to make in the succeeding month, the preference rating, if any, applicable to each delivery, the orders tendered to him for delivery during the succeeding month which he has not scheduled, his estimated production for the succeeding month and the amount of liquid chlorine withheld from scheduling for the succeeding month in accordance with the provisions of paragraph (d) (4) hereof. Each original Form PD–191 shall be accompanied by a single copy of each Form PD–190 submitted to the producer and listed on said Form PD–191. After such forms have been filed with such Chemicals Branch any changes of circumstances or matters occurring thereafter affecting the accuracy of the statements contained in such Form PD–191 shall be forthwith reported to such Chemicals Branch.

(2) Except as provided in paragraph (d) (4) hereof; no producer shall make delivery of chlorine to any person unless and until he shall have been authorized to do so by the Director of Industry Operations. Such authorization by the Director of Industry Operations shall be based primarily upon insuring the satisfaction of all defense requirements and, insofar as possible, providing an adequate supply for essential civilian uses. Each producer of chlorine shall, upon being informed by the Director of Industry Operations of the deliveries which such Director has authorized, forthwith notify his customers of the extent of such authorization as the same may affect them. Each distributor shall, upon being informed by the producer of the extent to which deliveries to such distributor have been authorized by the Director of Industry Operations, forthwith notify his customers of the extent of such authorization as the same may affect them.

(3) In the event that any producer or distributor, after receiving notice from the Director of Industry Operations with respect to a delivery of chlorine which he is authorized to make during any month, shall be unable to make delivery, whether because of receipt of notice of cancellation from his customer or otherwise, such producer or distributor shall forthwith give notice of such fact to the Chemicals Branch of the War Production Board, and shall not in the absence of specific authorization from the Director of Industry Operations resell or otherwise dispose of the chlorine which he is unable to deliver as aforesaid.

(4) Each producer, who normally supplies liquid chlorine for potable water treatment and sewage treatment, shall in each month withhold from scheduling during the succeeding month a quantity of liquid chlorine estimated to fulfill requirements of his customers during such succeeding month for potable water

treatment and sewage treatment. Notwithstanding the provisions of paragraph (d) (1) hereof, no producer shall be required to obtain authorization from the Director of Industry Operations to make deliveries of chlorine for use for potable water treatment or sewage treatment, nor shall a producer or distributor be required to notify his customer to whom delivery is to be made for either such use, with respect to any such authorization. Producers of chlorine shall, in their usual manner, and either directly to the customer or through distributors, distribute for potable water treatment or sewage treatment liquid chlorine withheld pursuant to this paragraph.

(e) *Restrictions on sales and deliveries.* Except as specifically authorized by the Director of Industry Operations, no producer or distributor shall knowingly sell or, directly or indirectly, deliver or cause to be delivered, any chlorine, or products containing available chlorine, in a quantity in excess of the quantity which the vendee or deliveree is permitted to use under paragraphs (b) (1) and (2) hereof, nor for the use prohibited by paragraph (b) (3) hereof, and no person shall accept deliveries of such materials in excess of permitted consumption and inventory nor for such prohibited use.

(f) *Assignment of preference ratings.* (1) For purposes of scheduling deliveries, defense orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A–10.

(2) Unless a higher preference rating has been specifically assigned by order of the Director of Industry Operations, and subject to Priorities Regulation No. 1, as amended, orders for chlorine and for products containing available chlorine for the uses (or for the manufacture of products for the uses) set forth below are hereby assigned the preference rating set opposite each such use as follows:

Potable water treatment	A– 2
Sewage treatment	A– 2
Hospital, clinic and sanitoria sanitation	A– 6
Dairy and other food processing plant sanitation	A– 6
Public eating and drinking establishment sanitation	A– 6
Swimming pool sanitation	A– 6
Sanitation in surgical and medical supplies manufacture	A– 6
Diaper laundry sanitation and bleaching	A– 6
Manufacture of products for medicinal, surgical, dental and veterinarian uses	A– 6
Flour processing	A– 9
Sugar refining	A– 9
Foodstuff processing and refining other than bleaching not elsewhere classified	A– 9
Food preservation	A– 9
Use by Industrial, Research & Educational Laboratories	A–10
Manufacture of vitamin products	A–10
Manufacture of insecticides and fungicides	A–10
Manufacture of catalyst materials	A–10
Industrial water treatment	A–10
Metals refining	A–10
Petroleum production and refining	A–10
Processing of pulps, as follows:	
(a) High alpha pulps (not less than 90% alpha cellulose content)	B– 2
(b) Dissolving pulps	B– 2
(c) Nitrating pulps	B– 2
(d) Pulps used in manufacture of photographic base papers	B– 2
(e) Pulps in which chlorine is a processing rather than a bleaching chemical	B– 2
Manufacture of petroleum product additives	B– 2
Manufacture of industrial chemicals, coal tar chemicals, dyestuffs and intermediates	B– 2
Manufacture of industrial plastics and rubberlike products	B– 2
Pulp and paper bleaching not elsewhere classified	B– 5
Shellac bleaching and processing	B– 5
Textile bleaching and processing	B– 5
Laundry operations in linen supply, hotel and commercial laundries	B– 5
Packaged products containing available chlorine for retail sale	B– 5
Foodstuff bleaching	B– 8
Wiping rag and wiping waste bleaching	B– 8
Cosmetics and toilet preparations	Use prohibited

(g) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to acceptances of orders and deliveries in the absence of a contrary direction apply not only to acceptances of orders from and deliveries to other persons, including affiliates and subsidiaries, but also to acceptances of orders from and deliveries to one branch, division or section of a single enterprise by or from another branch, division or section of the same or any other enterprise under common ownership or control.

(h) *Inventory restrictions.* No producer or distributor shall knowingly make, and no person shall accept delivery of chlorine or products containing available chlorine if the inventory of such material of the person accepting delivery is, or will by virtue of such acceptance become, in excess of a thirty day supply thereof, having regard to current permissible use or sale, except that this Order shall not permit acceptance of delivery in the smallest practical delivery unit.

(i) *Miscellaneous provisions*—(1) *Reports.* Each producer and distributor shall file with the Chemicals Branch of the War Production Board such reports and questionnaires as said Board shall from time to time specify.

(2) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(3) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(4) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of materials conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director of Industry Operations. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(5) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(6) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(7) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: M–19.

(8) *Violations or false statements.* Any person who wilfully violates any provision of this Order or who wilfully furnishes false information to the Director of Industry Operations in connection with this Order is guilty of crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect May 1, 1942, shall supersede for all purposes the Amendment of this Order issued February 25, 1942, and shall continue in effect until revoked by the Director of Industry Operations.

Issued this 1st day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3946; Filed, May 1, 1942; 5:07 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–46—JOSE DEL RIO

Jose Del Rio, Marovis, Puerto Rico, is a distiller of beverage rum. General Preference Order M–54, effective December 31, 1941, prohibited the use of molasses in the manufacture of beverage rum after January 15, 1942. On January 30, 1942, Puerto Rican distillers were granted relief from the Order and each distillery was authorized to consume during the remaining period of 1942 ninety per cent of the molasses consumed by it in the production of beverage rum during the corresponding period of 1941. De-

spite the fact that Jose Del Rio was familiar with the restrictions of General Preference Order M–54 and knew that the use of molasses for the production of beverage rum was prohibited after January 15, 1942, he wilfully continued to use molasses in the manufacture of beverage rum during the period of January 16 through January 27, 1942. In view of the foregoing,

It is hereby ordered:

§ 1010.46 *Suspension Order S–46.* (a) Beginning ten days after the effective date of this Order and for a period of forty days thereafter, Jose Del Rio, his successors and assigns, shall not use or deal in molasses, except as specifically authorized by the Director of Industry Operations subsequent to the effective date of this Order.

(b) Jose Del Rio, his successors and assigns, during the period of June 23, 1942, through December 31, 1942, shall not use for the manufacture of beverage rum more than 75% of the quantity of molasses used by him for such manufacture during the corresponding period of 1941, except as specifically authorized by the Director of Industry Operations subsequent to the effective date of this Order.

(c) This Order shall take effect on May 4, 1942, and shall expire on December 31, 1942, at which time the restrictions contained in this Order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 1st day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3949; Filed, May 1, 1942; 5:08 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–47—BORINQUEN ASSOCIATES, INC.

Borinquen Associates, Inc., Carretera Quintana, Hato Rey, Puerto Rico, is a distiller of beverage rum. General Preference Order M–54, effective December 31, 1941, prohibited the use of molasses in the manufacture of beverage rum after January 15, 1942. On January 30, 1942, Puerto Rican distillers were granted relief from the Order, and each distillery was authorized to consume during the remaining period of 1942 ninety per cent of the molasses consumed by it in the production of beverage rum during the corresponding period of 1941. Despite the fact that Borinquen Associates, Inc., was familiar with the restrictions of General Preference Order M–54, it continued to use molasses in the manufacture of beverage rum after January 15, 1942, and on or about January 17, 1942, used 4,000 gallons of molasses in the manufacture of beverage rum in violation of General Preference Order M–54. In view of the foregoing,

It is hereby ordered:

§ 1010.47 *Suspension Order S–47.* (a) Beginning ten days after the effective date of this Order and for a period of 14 days thereafter, Borinquen Associates, Inc., its successors and assigns, shall not use or deal in molasses, except as specifically authorized by the Director of Industry Operations subsequent to the effective date of this Order.

(b) Borinquen Associates, Inc., its successors and assigns, during the period of May 28, 1942, through December 31, 1942, shall not use for the manufacture of beverage rums more than 85% of the quantity of molasses used by it for such manufacture during the corresponding period of 1941, except as specifically authorized by the Director of Industry Operations subsequent to the effective date of this Order.

(c) This Order shall take effect on May 4, 1942, and shall expire on December 31, 1942, at which time the restrictions contained in this Order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 1st day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3950; Filed, May 1, 1942; 5:08 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–48—COMPANIA RON CARIOCA DESTILERIA, INC.

Compania Ron Carioca Destileria, Inc., San Juan, Puerto Rico, is a distiller of beverage rum. General Preference Order M–54, effective December 31, 1941, prohibited the use of molasses in the manufacture of beverage rum after January 15, 1942. On January 30, 1942, Puerto Rican distillers were granted relief from the Order and each distillery was authorized to consume during the remaining period of 1942 ninety per cent of the molasses consumed by it in the production of beverage rum during the corresponding period of 1941. The Company was familiar with the provisions of General Preference Order M–54 prior to January 15, 1942, but nevertheless continued to use molasses during the period of January 16 through January 30, 1942, in sufficient quantities to produce 36,841 gallons of alcoholic spirits. This quantity of spirits was placed in barrels marked "For Fruit Extracts". However, the Company intended to use the major portion of such alcoholic spirits in the production of beverage rum. In view of the foregoing,

It is hereby ordered:

§ 1010.48 *Suspension Order S–48.* (a) Beginning ten days after the effective date of this Order and for a period of 40 days thereafter, Compania Ron Carioca Destileria, Inc., its successors and assigns, shall not use or deal in molasses, except as specifically authorized by the Director of Industry Operations subsequent to the effective date of this Order.

(b) Compania Ron Carioca Destileria, Inc., its successors and assigns, during the period of June 23, 1942, through December 31, 1942, shall not use for the manufacture of beverage rum more than 80% of the quantity of molasses used by it for such manufacture during the corresponding period of 1941, except as specifically authorized by the Director of Industry Operations subsequent to the effective date of this Order.

(c) Compania Ron Carioca Destileria, Inc., its successors and assigns, shall not sell, except for use in the preparation of fruit extracts, any alcoholic spirits contained in barrels stenciled "For Fruit Extracts" and produced by it after January 15, 1942.

(d) This Order shall take effect on May 4, 1942, and shall expire on December 31, 1942, at which time the restrictions contained in this Order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong, as amended by Pub. Law 89, 77th Cong.)

Issued this 1st day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3951; Filed, May 1, 1942; 5:08 p. m.]

PART 1083—KAPOK

AMENDMENT NO. 2 TO GENERAL CONSERVATION ORDER M–85 [1]

Section 1083.1 (*General Conservation Order M–85*) is hereby amended in the following respects:

1. Paragraph (c) (1) is amended to read as follows:

(1) Orders placed by the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing.

2. Paragraph (c) (2) is amended by striking out the date, "April 30, 1942," wherever the same appears and inserting in lieu thereof the date, "May 31, 1942."

3. Paragraph (d) is amended to read as follows:

(d) *Restrictions on production.* Notwithstanding anything in Priorities Regulation No. 1 to the contrary, unless specifically authorized by the Director of Industry Operations, no manufacturer shall hereafter use any Kapok in the production of any product, except those hereinafter listed:

(1) Life buoys to fill defense orders.

(2) Life preservers, life jackets and collars to fill defense orders.

(3) Sleeping bags, mattresses, pillows, blankets and pontoon bridges to fill orders placed by the War and Navy Departments but only to the extent that Kapok is specifically required by the Specifications of the Prime Contract involved.

[1] 7 F.R. 784, 2102.

(4) Insulation padding for airplanes, but only to the extent of 45% of the actual total fibre content of such insulation padding: *Provided, however,* That no person shall use any kapok of Java grades for the production of such product unless and until such person shall be unable to obtain any other kapok for such purpose: *Provided further,* That the foregoing restrictions may be exceeded in the manufacture of insulation padding for airplanes to be delivered to or for the account of the Army or Navy of the United States when a higher percentage of kapok or use of a Java grade is specifically required by the specifications of the prime contract involved or its use is hereafter specifically directed in writing by the Army or Navy contracting officer of the prime contract involved.

4. Paragraph (e) is amended to read as follows:

(e) *Restrictions on manufacturers' sales of kapok.* No manufacturer shall hereafter sell, transfer title to, or deliver any Kapok to any person, except to the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or to a dealer, and no person except the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or a dealer shall hereafter purchase, accept any transfer of title to, or deliveries of Kapok from a manufacturer.

5. Paragraph (f) is amended to read as follows:

(f) *Assignment of Preference Rating.* A preference rating of A–2 is hereby assigned to all orders for kapok placed by the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, and such rating may be applied by the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing by placing on its purchase orders the following endorsement, manually signed by a person authorized to sign for the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended or any representative designated for the purpose by any of the foregoing:

Pursuant to General Conservation Order M–85, a preference rating of A–2 is assigned to this purchase order.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of April, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3948; Filed, May 1, 1942; 5:07 p. m.]

PART 996—CHLORINATED HYDROCARBON SOLVENTS

GENERAL PREFERENCE ORDER NO. M–41 AS AMENDED MAY 2, 1942

Section 996.1 (*General Preference Order No. M–41, as amended*) is hereby amended to read as follows:

§ 996.1 *General Preference Order M–41*—(a) *Definitions.* (1) "Chlorinated Hydrocarbon Solvents" means:

(i) Carbon tetrachloride,
(ii) Trichlorethylene,
(iii) Perchlorethylene,
(iv) Ethylene dichloride,

and includes mixtures containing the foregoing, provided said mixtures are suitable for any of the uses hereinafter in paragraph (c) specified.

(2) "Producer" means any person engaged in the production of Chlorinated Hydrocarbon Solvents and includes any person who has Chlorinated Hydrocarbon Solvents produced for him pursuant to toll agreement.

(3) "Dealer" means any person who purchases Chlorinated Hydrocarbon Solvents for purposes of resale.

(4) "Base Period" means the twelve months' period ending September 30, 1941. In the event that a person shall not throughout such period have been in the business of using Chlorinated Hydrocarbon Solvents, the base period shall be such period as the Director of Industry Operations shall select, having regard to such person's consumption of Chlorinated Hydrocarbon Solvents at other or different times.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions in Chlorinated Hydrocarbon Solvents are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provision of this Order shall govern.

(c) *Assignment of preference ratings.* Unless a higher preference rating has been specifically assigned by the Director of Industry Operations, whether by certificate, preference rating order or otherwise, orders for Chlorinated Hydrocarbon Solvents for each of the uses set forth below are hereby assigned the preference rating set opposite such use as follows:

Use	*Preference rating*
Fumigation of stored products, including grain	A–10
Charging and recharging fire extinguishers	A–10
Plant control laboratories, hospitals, educational institutions and public institutions, for own consumption	A–10
Processing and manufacture of food, chemicals, rubber, petroleum and plywood, where substitution of other materials is impractical	A–10
Cleaning of metal parts of electrical equipment	A–10
Manufacture of Chlorinated hydrocarbon refrigerants	A–10
Degreasing machines specially designed to use such solvents, where used in the manufacture of aircraft, motor vehicles, arms and other direct war material pursuant to contracts or subcontracts with the Army or the Navy of the United States and where, because such solvents are not incorporated in the end product, the rating assigned is not extendable by the contractor or subcontractor; provided that the contractor or subcontractor shall have certified to such fact on his order for such solvents	A–10
Degreasing machines specially designed to use such solvents in a manufacturing process (except as described in the preceding paragraph) or in the repair of public carriers; provided such machines use the solvents at or near their boiling point	B–2
Packaged spotting and cleaning preparations	B–2
Dry cleaning establishments	B–2
Manual cleaning of non-absorbent articles other than metal parts of electrical equipment	B–2

(d) *Restrictions on deliveries.* (1) No person requiring any Chlorinated Hydrocarbon Solvents for any use to which a preference rating of B–2 is assigned by paragraph (c) of this Order shall in any month receive delivery of Chlorinated Hyrocarbon Solvents intended for such use in an amount in excess of fifty percent (50%) of such person's average monthly consumption of Chlorinated Hydrocarbon Solvents in such use during the Base Period.

(2) No person other than a Dealer shall receive delivery of any Chlorinated Hydrocarbon Solvents from any other person for any use to which a preference rating lower than A–10 has been assigned by this Order or otherwise unless prior to receiving delivery thereof he shall have furnished such other person with a duly executed Purchaser's Certificate, in duplicate, on Form PD–127 except that no Purchaser's Certificate shall be necessary where the quantity received is one gallon or less.

(3) Except as authorized by the Director of Industry Operations, no person shall receive Chlorinated Hydrocarbon Solvents, whatever the quantity, except

for the purpose of filling orders to which a preference rating has been assigned by this Order or otherwise.

(4) Nothing in this paragraph (d) shall be construed to prevent—

(i) The Delivery by Producers of or Dealers in Chlorinated Hydrocarbon Solvents, within the restrictions contained in paragraph (f) hereof and after provision has been made for filling Defense Orders, to and among themselves, for purposes of resale.

(ii) The acceptance of delivery of spent Chlorinated Hydrocarbon Solvent residues by a reclaimer for purpose of reclamation, whether by way of purchase or with retention of title in the deliveror, and, where title is retained by the deliveror, the return to the deliveror of the reclaimed solvents: *Provided however,* That the reclaimed solvents be held subject to the provisions of this Order by such reclaimer or deliveror, as the case may be.

(iii) Nothing in this Order shall be construed to prevent a person's accepting Chlorinated Hydrocarbon Solvents in his customary delivery unit (tank car, drum or other container) provided, in the event that the quantity received exceeds the amount permitted by paragraphs (d) (1) and (f) hereof, that the person accepting such delivery shall not be entitled to receive additional Chlorinated Hydrocarbon Solvents until the end of the period within which such quantity would be consumed at the rate of consumption authorized by this Order.

(5) No person shall make delivery of Chlorinated Hydrocarbon Solvents to any other person where such other person is not permitted by this Order to receive the same nor, where acceptance of a limited quantity thereof is permitted by this Order, in a quantity in excess of such permitted quantity.

(e) *Records and reports.* In addition to the records and reports required by Priorities Regulation No. 1, as amended, each Producer or Dealer shall, on or before the tenth day of each month, file with the War Production Board, Ref.: M–41, the duplicate of each Purchaser's Certificate (Form PD–127), submitted to him, in connection with which he has made delivery during the preceding month of Chlorinated Hydrocarbon Solvents.

(f) *Inventory restrictions.* In addition to the inventory restrictions contained in Priorities Regulation No. 1, hereinabove referred to, no person other than a Producer shall, except as provided in paragraph (d) (4) hereof, accumulate inventories of Chlorinated Hydrocarbon Solvents in excess of a 30 day supply thereof, at the expected rate of use or resale.

(g) *Miscellaneous provisions.* (1) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of materials conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(2) *Violations.* Any person who wilfully violates any provision of this Order or who in connection with this Order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M–41. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately and continue in effect until revoked by the Director of Industry Operations.

Issued this 2d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3960; Filed, May 2, 1942; 11:46 a. m.]

PART 1014— BURLAP AND BURLAP PRODUCTS

CONSERVATION ORDER M–47 AS AMENDED MAY 2, 1942

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Burlap for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1014.1 *Conservation Order M–47.*— (a) *Definitions.* For the purpose of this Order, unless the context otherwise requires:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Burlap" means burlap of the Hessian cloth type, other than brattice cloth and linoleum cloth, which weighs more than six and not more than sixteen ounces per yard of cloth forty inches wide.

(3) "Importer" means any Person who imported Burlap during the year 1940 other than an importing Bag Manufacturer.

(4) "Importing Bag Manufacturer" means any Person who imported Burlap during the year 1940 and manufactured bags from such Burlap.

(5) "Non-Importing Bag Manufacturer" means a bag manufacturer who purchases Burlap from an Importer or an Importing Bag Manufacturer and manufactures bags for sale or for his own use.

(6) "Pacific Port" means any port on the Pacific coast of the United States or any inland port of entry for goods from other ports on the Pacific coast of North America.

(7) "North Atlantic Port" means any port on the Atlantic coast of the United States, north of Wilmington, N. C., or any inland port of entry for goods from other ports on the North Atlantic coast of North America.

(8) "Gulf Port" means any port on the Gulf coast of the United States, the port of Wilmington, N. C., and ports on the Atlantic coast of the United States to the south thereof, or any inland port of entry for goods from other ports on the Gulf or South Atlantic coast of North America.

(9) "Agricultural Bag" means any new Burlap bag used to package any agricultural products. Such products include, but are not limited to, feed, potatoes, fertilizer, sugar, flour, rice, wool, wheat, corn meal, linseed meal, soybean meal, beans, starch, seeds, salt, and oats, and shall include chemicals even though non-agricultural, but shall not include cotton, cotton products, textile piece goods, or meats.

(b) *Stockpiling of imports: Preference for heavy constructions: releases from stockpile.* (1) Any Importer, Importing Bag Manufacturer or Person hereafter accepting delivery of Burlap from any cargo imported to Continental United States, shall set aside, out of his receipts from said cargo, two-thirds of the bales he receives, and shall not dispose thereof except as expressly directed by the War Production Board. The bales so set aside shall be the heaviest construction available. The remaining one-third of such receipts, and all existing spot stocks shall be distributed in accordance with the provisions of paragraph (c). Any Person securing shipping space for Burlap in Calcutta or other point of shipment for import to Continental United States shall fill such shipping space with ten ounce constructions or heavier to the extent available.

(2) Any Importer, Importing Bag Manufacturer or Person who has set aside Burlap in accordance with the provisions of paragraph (b) (1), not to be disposed of except as expressly directed by the War Production Board, shall deliver, sell, manufacture, process, use or otherwise release Burlap from the quantity so set aside, without further authorization of the War Production Board, in the following instances:

(i) To fill any order for Burlap bearing a preference rating of A–1–c or higher assigned by a preference rating certificate on form PD–1, PD–1A, PD–3 or PD–3A (but not a preference rating assigned in any other manner) expressly specifying Burlap and issued directly to the Person placing the order; and such Person in extending the rating to his supplier, in addition to making the en-

dorsement upon his purchase order as required, shall furnish to the supplier a photostatic copy (or another copy accompanied by his sworn statement that it is a true copy) of such preference rating certificate, together with a certificate manually signed by a duly authorized official that purchase orders for an amount in excess of the quantity of Burlap delivery of which has been rated by such certificate have not been placed by him with any source of supply and rated under the said certificate. Reproduction of any preference rating certificate for the foregoing purposes is hereby permitted;

(ii) To fill any order for Burlap to be used for sandbags or camouflage cloth placed by the Army or the Navy;

(iii) To fill any order placed by the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing;

(iv) To fill any order placed by a Non-Importing Bag Manufacturer or other Person for Burlap to be used to fill an order of the kinds specified in subparagraph (i) or (ii) hereof: *Provided, however,* That in any such case the Non-Importing Bag Manufacturer or other Person placing the order shall certify the use Burlap is to be put to the Importer or Importing Bag Manufacturer. Such certification shall be a representation to the War Production Board that the Non-Importing Bag Manufacturer or other Person requires such Burlap to fill an order of the kinds specified in subparagraphs (i) or (ii) above.

(c) *Restrictions o delivery or processing.* (1) Except as provided in paragraphs (b) (2), (c) (2), (c) (3) and (o) (3) of this section or upon express authorization of the War Production Board, no Importer, Importing Bag Manufacturer, or other Person shall knowingly sell, deliver, or in any manner distribute, and no Person shall purchase, accept delivery of, or in any manner receive Burlap for any use other than for the manufacture of Agricultural Bags, and no Person shall process or use any Burlap other than for the manufacture of Agricultural Bags. The prohibition against processing or use hereinabove mentioned shall apply only to full bales unbroken, at the date of issue of this Order. The term "full bales unbroken" means any bale not fully opened so that the content could not readily be restored to the same bale, and includes bales which have been sampled.

(2) Persons prohibited from processing or using Burlap by the provisions of paragraph (c) (1), who possessed stocks of Burlap on December 22, 1941, may use or process such stocks on hand on December 22, 1941, in the following quantities:

(i) Persons who possessed ten or less full bales unbroken may use or process all such bales;

(ii) Persons who possessed more than ten full bales unbroken may use or process no more than ten bales.

(3) Stocks of Burlap in full bales unbroken in the possession of Persons who are prohibited from processing or using such Burlap by the provisions of paragraph (c) (1) and who do not manufacture Agricultural Bags, may be disposed of without further authorization of the War Production Board in the following instances:

(i) Stocks of Burlap of ten ounces or heavier construction may be sold, delivered, or distributed to, and purchased, received, processed, or used by:

(*a*) The Army or Navy of the United States;

(*b*) The Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing;

(*c*) Any Importing or Non-Importing Bag Manufacturer to fill any order placed by the Army or Navy of the United States for Burlap to be used for sandbags or camouflage cloth.

(ii) Stocks of Burlap of constructions lighter than ten ounces may be sold, delivered, or distributed to, and purchased, received, processed, or used by any Importing or Non-Importing Bag Manufacturer for the manufacture of Agricultural Bags: *Provided, however,* That such Importing or Non-Importing Bag Manufacturer shall distribute bags manufactured from such Burlap in accordance with the provisions of paragraph (i) of this Order, below.

(d) *Prohibition of transactions in excess of quotas.* No Person shall, in any manner, buy or acquire burlap or Agricultural Bags in excess of his quota as determined pursuant to this Order, and no Person shall knowingly, in any manner, deliver or sell to any other Person Burlap or Agricultural Bags in excess of such other Person's quota as so determined: *Provided, however,* That the limitations of such quota shall not apply to deliveries of Burlap pursuant to the provisions of paragraph (c) (3) hereof.

(e) *Quotas for importers and importing bag manufacturers.* The quota of each Importer or Importing Bag Manufacturer out of each cargo of Burlap imported to Continental United States, including the amount required to be set aside under paragraph (b), but excluding any amount in such cargo imported by the United States Government, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or any Non-Importing Bag Manufacturer, shall be an amount bearing the same ratio to the amount of such cargo as the average annual imports of such Importer or Importing Bag Manufacturer in the period 1935–1939, inclusive, through ports on the same coast—Pacific, North Atlantic, or Gulf, as the case may be—bear to the average total imports of all Importers and Importing Bag Manufacturers same period: *Provided, however,* That whenever the War Production Board shall determine that there has been a substantial change in the relative amounts of cargoes discharged at Pacific, or North Atlantic, or Gulf ports as compared with the period 1935–1939, inclusive, it may make such adjustment as it deems appropriate by directing the distribution, in whole or in part, of any cargo or cargoes discharged at any port to Importers or Importing Bag Manufacturers not otherwise entitled to the same under the terms of this paragraph. No Person, other than the United States Government, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, or any Non-Importing Bag Manufacturer, shall import Burlap who did not import Burlap in 1940.

(f) *Burlap to be made available to non-importing bag manufacturers by importing bag manufacturers.* Each Importing Bag Manufacturer, in each month, shall make available to Non-Importing Bag Manufacturers in the aggregate, at regularly established prices and terms of sale and payment, to fill quotas under paragraph (g), a quantity of Burlap bearing the same ratio of monthly receipts of Burlap for such month (other than Burlap required to be set aside by paragraph (b)) as total deliveries during 1939 and 1940 to all Non-Importing Bag Manufacturers by such Importing Bag Manufacturer bear to such total deliveries plus the total amount cut up into bags by such Importing Bag Manufacturer during 1939 and 1940.

(g) *Quotas for non-importing bag manufacturers.* The quota of each Non-Importing Bag Manufacturer for Burlap to be received from, and which shall be made available by, Importers or Importing Bag Manufacturers or directly by himself in each calendar year beginning with the year 1942, shall be an amount bearing the same ratio to the amount of all imports to Continental United States during such calendar year, not required to be set aside in accordance with paragraph (b) or to be excluded in accordance with paragraph (e), as the total deliveries to such Non-Importing Bag Manufacturer by all Importers and Importing Bag Manufacturers during the years 1939 and 1940, bear to the total of the deliveries to all Non-Importing Bag Manufacturers by all Importers and Importing Bag Manufacturers during 1939 and 1940, plus the total amount cut up into bags by Importing Bag Manufacturers during 1939 and 1940. No Non-Importing Bag Manufacturer may receive delivery from any Importer or Importing Bag Manufacturer of any Burlap which will not be put into process by him for the manufacture of Agricultural Bags within thirty days after the receipt thereof. Each Non-Importing Bag Manufacturer shall certify to each Importer or Importing Bag Manufacturer from whom he receives delivery of Burlap, as a condition to receiv-

ing such delivery, the following, on the purchase order for such Burlap:

The undersigned hereby certifies that the Burlap to be delivered to the undersigned pursuant to the above purchase order is needed by the undersigned to put into process for the manufacture of Agricultural Bags within thirty days after physical receipt thereof by the undersigned.

_____
(Name)

By_____
(Authorized official)

Date_____

A Non-Importing Bag Manufacturer may purchase the aggregate amount of his annual quota from any one or more Importers or Importing Bag Manufacturers or may purchase same directly for himself. The term "Non-Importing Bag Manufacturer" shall include any Importing Bag Manufacturer to the extent of his receipts, if any, of Burlap from Importers or other Importing Bag Manufacturers.

(h) *Separability of quotas.* The quotas set forth in paragraphs (e) and (g) shall be independent of each other, and any Person belonging to both classes may acquire Burlap under the quota for each class to which he belongs.

(i) *Quotas for users of agricultural bags.* The quota for each calendar year beginning with the year 1942 of each purchaser who secures Agricultural Bags from Importing or Non-Importing Bag Manufacturers shall be determined as follows:

(1) Until further notice or except upon express authorization of the War Production Board, each Bag Manufacturer shall estimate the quantity of receipts of Burlap available for distribution to be the sum of:

(i) Spot Stocks, not stockpiled, on hand December 31, 1941,

(ii) A quantity of Burlap equal to one-third of such Bag Manufacturer's receipts of Burlap during 1941,

(iii) Such quantities of Burlap as such Bag Manufacturer has acquired under the provisions of paragraph (c) (3) (ii) of this Order, and

(iv) Such quantities of Burlap as such Bag Manufacturer has acquired pursuant to paragraph (o) (2) of this Order.

The quantity of Agricultural Bags which a Bag Manufacturer shall deliver to a purchaser to whom he delivered Agricultural Bags in 1941 shall be calculated by dividing the quantity of Burlap available for distribution, estimated as above, by the quantity of Burlap cut into Bags in 1941 by such Bag Manufacturer for purposes permitted under the terms of this Order as amended from time to time. The quantity of Bags delivered to any such purchaser shall be his full deliveries received in the base period from said Bag Manufacturer multiplied by the percentage resulting from the above division. Such calculation shall be made without regard to particular constructions of Burlap. The quantity which a Bag Manufacturer shall deliver to such purchaser in any month, however, shall, within the total quantity of the quota, calculated as above, be governed by the provisions of paragraph (i) (2) and (i) (3) below.

(2) No Bag Manufacturer shall knowingly deliver Agricultural Bags to a purchaser and no purchaser shall accept delivery in excess of the quantity expected to be used or distributed to users in the following thirty days based on his current rate of operations and taking into consideration existing stocks, new and secondhand, and the limits of his quota.

(3) Each purchaser who acquires new or secondhand Burlap Bags from a Bag Manufacturer shall certify to such Bag Manufacturer as a condition to securing his Bags the following:

The undersigned hereby certifies that he needs these Bags for packaging or to distribute to persons packaging (*here fill in products*) and that he intends to, and to the best of his knowledge will, within thirty days, use these Bags for such purpose, or distribute to those so using, and that, to the best of his knowledge and belief, the receipt of such Bags will not give him more than a thirty days' supply, including existing stocks of new and secondhand Bags.

For the purposes of this subparagraph, "receipt" shall be deemed to be the date that Agricultural Bags are scheduled to arrive at the purchaser's place of business. No Bag Manufacturer shall sell, deliver, or in any other manner dispose of Agricultural Bags to any such purchaser who fails to furnish such certification or who furnishes a certification which on its face indicates a use other than for Agricultural Bags as defined in paragraph (a) of this Order.

(4) The provisions of subparagraphs (1), (2) and (3) of this paragraph shall not apply to purchases, sales, deliveries, or other dispositions of Agricultural Bags for the purpose of sacking and shipping wool, as it is sheared, or for the purpose of sacking and shipping seed potatoes or peanut seed, to any Person who requires such Agricultural Bags for actual use within the next thirty days after receipt thereof, for any such purpose. No Bag Manufacturer shall sell, deliver, or in any other manner dispose of Agricultural Bags to any such Person, unless and until such Bag Manufacturer shall have received from such Person a certificate, manually signed by such Person, or by an individual authorized to sign for such Person, substantially in the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the Agricultural Bags covered by the annexed purchase order are needed for sacking and shipping of (*here insert wool, seed potatoes, or peanut seed, as the case may be*), and they are needed by him for such use by him or for distribution to others for such use by them; that to the best of the undersigned's knowledge and belief, such Bags will be so used within the next thirty days after (*here insert date when receipt of Bags is required*). The undersigned further certifies that the amount of Agricultural Bags covered by the annexed purchase order, together with all such Bags, new and/or secondhand, now held by the undersigned, or now scheduled to be received by the undersigned on or before the delivery date specified in the annexed purchase order, will not be in excess of the amount required by him for such use in the said thirty-day period.

The undersigned further certifies that all reasonable efforts have been made by the undersigned to obtain and use some other form of packaging but have not been successful.

No purchaser shall resell or deliver any unused Bags so purchased to any other Person, unless and until such purchaser shall have first received from such other Person a certificate in the above form.

Every Bag Manufacturer must sell at regularly established prices and terms of sale and delivery any supply of Agricultural Bags held by him at any time after the effective date of this Amendment, whether theretofore or thereafter manufactured, for the purposes specified in this subparagraph (4), to Persons filing such certificates, and deliveries must be made to such Persons in the order of the commencement of the thirty-day periods specified in their said certificates.

(j) *Restrictions on inventory.* (1) There shall be no restrictions on inventory of an Importer or of an importing division of a Bag Manufacturer.

(2) Except as provided in paragraph (b), no Bag Manufacturer, including the bag manufacturing division of a Bag Manufacturer, shall hold in inventory any Burlap or any Agricultural Bags in excess of a thirty-day supply, unless he is unable to secure a purchase order for the same at regularly established prices and terms of sale. Any such supply may include Bags which are being accumulated in an orderly process of manufacture to meet a future peak demand, but said peak accumulation shall not be in excess of the minimum amounts necessary to meet such peak, based upon past experience.

(3) No Person dealing in or using Agricultural Bags or second-hand bags shall hold in inventory a supply of new and/or secondhand bags in excess of the quantity he will use or distribute within the following thirty days: *Provided, however,* That a dealer or other Person accumulating secondhand Bags for resale may accumulate the same free of the foregoing restriction to the extent that he is unable to secure fair and reasonable purchase orders for the same.

(k) *Adjustments and appeals.* The War Production Board may, upon application made in writing on form PD-188C, make such adjustments as are deemed appropriate in the quota of any Person, or method to be used in calculating same, in the case of inequity or hardship. Any Person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may apply for relief to the War Production Board by telegram or letter, setting forth the pertinent facts and the reason such Person considers that he is entitled to relief.

(l) *Exchange of quotas.* No Person shall sell, assign, or otherwise transfer, in whole or in part, the quota prescribed for him by this Order except that any Importer or Importing Bag Manufacturer not desiring to take up his quota out of any cargo may assign such quota, in whole or in part, to one or more other Importers or Importing Bag Manufacturers in exchange for an equal yardage, without regard to constructions, out of the quotas with respect to expected future

cargoes of such other Importers or Importing Bag Manufacturers.

(m) *Unused quotas.* If for any reason whatsoever an Importer or Importing Bag Manufacturer, or a Non-Importing Bag Manufacturer does not take up any quota, unused portions thereof shall be reallocated by the War Production Board to such other Importers and Importing Bag Manufacturers, or Non-Importing Bag Manufacturers, as the case may be, who desire to share in the reallocation, in proportion to their existing quotas. In the event of such reallocation, the deliveries which would have been required to be made available to purchasers under paragraph (g) hereof, by the Person whose quota is reallocated shall, to the extent practicable, be made available to the same purchasers by the Persons to whom the quota is reallocated.

(n) *Calculation of quotas.* Quotas of Importers, Importing Bag Manufacturers, and Non-Importing Bag Manufacturers under (e), (f), (g) or (m) hereof, and permitted monthly receipts under (g) hereof, shall be calculated to the nearest twenty-five bales, except that any quota or permitted monthly receipts amounting to less than twenty-five bales shall be calculated to the nearest bale. Quotas of purchasers of Agricultural Bags from Bag Manufacturers shall be calculated to the nearest thousand bags except that quotas of Persons who secured less than one thousand bags from any Bag Manufacturer shall be calculated to the nearest fifty bags.

(o) *Damaged burlap.* (1) Burlap set aside for Government use shall be deemed damaged when rejected by a writing identifying the said Burlap after inspection by a Government inspector. Burlap in the one-third portion not set aside for the Government stockpile shall be deemed damaged when inspected and rejected as damaged by a writing identifying the said Burlap by representatives of the insurance company or companies required to meet the claim because of the damage involved.

(2) Notwithstanding any other provisions of this Order, Burlap deemed to be damaged in the manner described in the foregoing paragraph may be sold, delivered or distributed to, and purchased, received, processed, or used by any Importing or Non-Importing Bag Manufacturer for the manufacture of Agricultural Bags: *Provided, however,* That such Burlap shall be computed in the quota of such Importing or Non-Importing Bag Manufacturer and that Bags manufactured from such Burlap shall be distributed in accordance with paragraph (i) of this Order.

(3) In the event that the extent of damage is such that at least two Bag Manufacturers have rejected all or any portion of such Burlap found to be damaged in the manner described in paragraph (1) hereof as unsuitable for use in the manufacture of Agricultural Bags after an inspection thereof by their representatives, who shall not be Persons connected with the Persons offering such Burlap, any Person entitled to sell such Burlap may sell the same free and clear of the restrictions of this Order: *Provided, however,* That every such Person shall make and file the following certificate with the War Production Board on or before the third business day following such sale:

The undersigned hereby certifies to the War Production Board that _____ bales of _____ Burlap, ex _____ bale nos. _____
(ship)
which arrived at _____ on _____
(port) (date)
have been rejected as damaged by _____
(Insurance company representative or Government inspecting officer)
_____, as evidenced by his attached certificate.

This Burlap has been offered to _____
(names of not less than two Bag Manufacturers)
_____
and has been rejected by them as unsuitable for use in the manufacture of Agricultural Bags as evidenced by their attached certificates.

_____
(Name of Seller)
By _____
(Authorized signature)
Date _____.

The certificates of rejecting Bag Manufacturers shall be in substantially the following form:

The undersigned hereby certifies to the War Production Board that the undersigned is a Bag Manufacturer, that the undersigned has been offered by _____, a lot
(name of seller)
of _____ bales of _____ Burlap ex _____ bale nos. _____, deemed to be damaged and that after inspection thereof by our representatives, who are not Persons connected with the Persons offering such Burlap, we have rejected the said Burlap as unsuitable for use in the manufacture of Agricultural Bags as to bales nos. _____.

(p) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(q) *Reports.* (1) Every Importer, Importing Bag Manufacturer, Non-Importing Bag Manufacturer, and other Persons holding ten full bales or more of Burlap, shall promptly telegraph to the War Production Board his stocks of Burlap in bales as of December 15, 1941, stating separately spot and afloat stocks.

(2) On or before January 1, 1942, reports regarding transactions in, and inventories of, Burlap shall be filed with the War Production Board on forms to be secured from such Board by:

(i) Every Importer or Importing Bag Manufacturer, on form PD–186;

(ii) Every Non-Importing Bag Manufacturer, on form PD–186.

(3) Every Importer, Importing Bag Manufacturer, and Non-Importing Bag Manufacturer or other Person whose stocks of Burlap and/or Burlap Bags at any time in 1941 exceeded 20,000 yards, shall:

(i) File such monthly and other reports with the War Production Board as shall from time to time be required by said Board. Until further notice, monthly reports, beginning with the report for the month of January to be filed on or before February 15, 1942, shall be filed by Importers and Bag Manufacturers on form PD–188, by firms other than Importers or Bag Manufacturers holding stocks of unbroken bales of Burlap on form PD–188A, and by other Persons, including users and dealers in new and secondhand Burlap Bags, on form PD–188B;

(ii) Submit from time to time to an audit and inspection by representatives of the War Production Board concerning all records required to be kept by this Order.

(r) *Violations.* Any Person who wilfully violates any provision of this Order or who in connection with this Order wilfully conceals a material fact or furnishes false information to any Department or Agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such Person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(s) *Communications to War Production Board.* All reports required to be filed hereunder, appeals and other communications concerning this Order, shall be addressed to: War Production Board, Washington, D. C., Ref: M–47.

(t) *Existing contracts.* The fulfillment of contracts in violation of this Order is prohibited regardless of whether such contracts were entered into before or after the effective date of this Order. No Person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from his compliance with the terms of this Order.

(u) *Conservation of bags for re-use.* No Person shall, to the extent practicable, slash or otherwise mutilate Burlap Bags as a means of opening the same. To the extent practicable, all Persons filling Agricultural Bags shall close them in a manner which will permit speedy and intact opening of such Bags. To the extent practicable, Bag users shall promptly empty and return such Bags or sell such Bags for re-use through existing channels. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amended Order shall take effect immediately.

Issued this 2d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3963; Filed, May 2, 1942; 11:47 a. m.]

PART 1020—AUTOMATIC PHONOGRAPHS AND WEIGHING, AMUSEMENT AND GAMING MACHINES

AMENDMENT NO. 1 TO SUPPLEMENTARY GENERAL LIMITATION ORDER L–21–a [1]

Subparagraph (a) (2) (iv) of Section 1020.2 (Supplementary General Limitation Order L–21–a) is hereby amended by adding at the end thereof a new inferior subdivision (*d*) as follows:

(*d*) pursuant to a contract or order bearing a preference rating higher than A–2. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.

This amendment shall take effect immediately.

Issued this 2d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3959; Filed, May 2, 1942; 11:46 a. m.]

PART 1155—OUTBOARD MOTORS AND PARTS

AMENDMENT NO. 1 TO GENERAL LIMITATION ORDER L–80 [2]

Section 1155.1 (*General Limitation Order L–80*) is hereby amended in the following particular:

The first sentence of subparagraph (b) (3) is amended to read as follows:

(3) From the effective date of this Order, no Producer shall sell, lease, trade, lend, deliver, ship or transfer any Outboard Motors of 6 Horse Power Rating or more to any Person whatsoever, except to fill Preferred Orders, or pursuant to specific authorization of the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately.

Issued this 2d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3962; Filed, May 2, 1942; 11:47 a. m.]

PART 1157—CONSTRUCTION EQUIPMENT

LIMITATION ORDER L–82

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Power Cranes and Shovels for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1157.1 *Limitation Order L–82*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purpose of this Order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of Power Cranes or Shovels.

(3) "Power Crane" means a machine mounted on crawler tracks, or truck or tractor, and used for lifting by power and/or moving heavy loads suspended from a stationary or swinging arm but does not include passenger automobile service cranes.

(4) "Power Shovel" means a machine mounted on crawler tracks, or truck or tractor, and used for digging, lifting and carrying earth materials such as dirt, rock, coal, etc., in a dipper which is supported by a stationary or swinging arm, and includes such attachments as draglines, clamshells, pile drivers, trenchhoes and skimmer scoops.

(5) "Unused", when applied to Power Cranes or Shovels, means any Power Crane or Shovel which has never been delivered to an ultimate consumer.

(c) *Prohibiting sale of power cranes and shovels.* Except as provided in (d) hereof, no Producer, dealer or other authorized channel of distribution of Power Cranes or Shovels shall sell, lease, trade, lend, deliver, ship or transfer any unused Power Crane or Shovel; and no person shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any such unused Power Crane or Shovel.

(d) *Exceptions from prohibition of sale.* (1) Nothing in this Order shall prevent any Producer, dealer or other authorized channel of distribution from making a sale, lease, trade, loan, delivery, shipment or transfer of any unused Power Crane or Shovel:

(i) If such sale, lease, trade, loan, delivery, shipment or transfer has been specifically released from the operations of this Order by the Director of Industry Operations upon application (which may be filed on Form PD–448) directed to him setting forth facts which satisfy him that such Power Crane or Shovel will serve defense or essential civilian needs, or

(ii) To or for the account of any person who has received an order or certificate of the Director of Industry Operations issued prior to the effective date of this Order assigning a preference rating higher than A–2 specifically to the delivery of a Power Crane or Shovel and issued to and designating the person seeking to purchase such Power Crane or Shovel; *Provided*, That shipment thereof to such person by the Producer, dealer or other authorized channel of distribution shall be made on or before June 1, 1942.

(2) Nothing in this Order shall prevent any person from transferring title to a Power Crane or Shovel which has been delivered pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to the effective date of this Order or from retaking, repossessing or obtaining re-delivery of any such Power Crane or Shovel upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to such date.

(3) Nothing in this Order shall prevent the completion of a sale, lease, trade, loan, delivery, shipment or transfer to any person of any unused Power Crane or Shovel which on the effective date of this Order is in transit to such person.

(e) *Restricting production of power cranes and shovels.* (1) On and after June 1, 1942, no Producer shall produce any Power Crane or Shovel except in accordance with such production schedules as may be specifically approved from time to time by the Director of Industry Operations. Proposed production schedules shall be submitted on Form PD–446.

(f) *Records.* All persons affected by this Order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, production and sales.

(g) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* Producers, distributors and dealers shall file on or before May 15, 1942, Form PD–445 relating to inventories of Power Cranes and Shovels as of the effective date of this Order. Producers shall file proposed production schedules on Form PD–446 in accordance with paragraph (e) (1) hereof. In addition, all persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(i) *Violations.* Any person who wilfully violates any provision of this Order, or who, in connection with this Order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person con-

[1] F.R. 2126, 2787.
[2] 7 F.R. 2393.

siders that he is entitled to relief. The Director of Industry Operations may thereupon take such action, if any, as he deems appropriate by the amendment of this Order or otherwise.

(k) *Communications.* All communications concerning this Order shall be addressed to War Production Board, Washington, D. C., Ref.: L–82.

(l) *Effective date.* This Order shall take effect on the date of its issuance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 2d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3961; Filed, May 2, 1942; 11:47 a. m.]

PART 1157—CONSTRUCTION EQUIPMENT

LIMITATION ORDER L–82–a

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rubber and other materials used in the production of Construction Equipment for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1157–2 *Limitation order L–82–a*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision thereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purpose of this Order:

(1) "Construction Equipment" means any of those products listed in Schedule A attached hereto and made a part of this Order.

(2) "Rubber-Tired Construction Equipment" means any item of Construction Equipment which is designed for or will require rubber tires.

(3) "Power Crane" means a machine mounted on crawler tracks, or truck or tractor, and used for lifting by power and/or moving heavy loads suspended from a stationary or swinging arm but does not include passenger automobile service cranes.

(4) "Power Shovel" means a machine mounted on crawler tracks, or truck or tractor, and used for digging, lifting and carrying earth materials such as dirt, rock, coal, etc., in a dipper which is supported by a stationary or swinging arm, and includes such attachments as draglines, clamshells, pile drivers, trenchhoes and skimmer scoops.

(5) "War Order" means any contract or purchase order for Rubber-Tired Construction Equipment to be delivered to, or for the account of (i) the Army or Navy of the United States, (ii) the Maritime Commission, or (iii) the government of any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(6) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(7) "Producer" means any person engaged in the manufacture of Rubber-Tired Construction Equipment.

(8) "Unused" when applied to Rubber-Tired Construction Equipment means any Rubber-Tired Construction Equipment which has never been delivered to an ultimate consumer.

(c) *Prohibiting sale of rubber-tired construction equipment.* Except as provided in (d) hereof, no Producer, dealer, or other authorized channel of distribution of Rubber-Tired Construction Equipment shall sell, lease, trade, lend, deliver, ship or transfer any unused Rubber-Tired Construction Equipment; and no person shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any such unused Rubber-Tired Construction Equipment,

(d) *Exceptions from prohibition of sale.* (1) Nothing in this Order shall prevent any Producer, dealer or authorized channel of distribution from making a sale, lease, trade, loan, delivery, shipment or transfer of unused Rubber-Tired Construction Equipment—

(i) If such sale, lease, trade, loan, delivery, shipment or transfer has been specifically released from the operations of this Order by the Director of Industry Operations upon application (which may be filed on Form PD–448) directed to him setting forth facts which satisfy him that such equipment will serve defense or essential civilian needs.

(ii) To or for the account of any person who has received an order or certificate of the Director of Industry Operations issued prior to the effective date of this Order assigning a preference rating higher than A–2 specifically to the delivery of an item of Rubber-Tired Construction Equipment and issued to and designating the person seeking to purchase such item of Rubber-Tired Construction Equipment: *Provided,* That shipment thereof to such person by the Producer, dealer or other authorized channel of distribution shall be made on or before June 1, 1942.

(2) Nothing in this Order shall prevent any person from transferring title to an item of Rubber-Tired Construction Equipment which has been delivered pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to the effective date of this Order or from retaking, repossessing or obtaining re-delivery of any such item upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to such date.

(3) Nothing in this Order shall prevent the completion of a sale, lease, trade, loan, delivery, shipment or transfer to any person of any unused Rubber-Tired Construction Equipment which on the effective date of this Order is in transit to such person.

(e) *Restricting production of rubber-tired construction equipment.* (1) On and after May 1, 1942, no Producer shall produce any Rubber-Tired Construction Equipment except—

(i) To fill a War Order.

(ii) To fill orders for the following items of Rubber-Tired Construction Equipment:

(*a*) Self-propelled earth-moving graders,

(*b*) Carrying and hauling scrapers, both drawn and self-propelled,

(*c*) Power Cranes and Power Shovels, or

(iii) Pursuant to production schedules specifically approved from time to time by the Director of Industry Operations in accordance with the terms of subparagraph (e) (2) hereof.

(2) On and after June 1, 1942, no Producer shall produce even those items of Rubber-Tired Construction Equipment production of which is permitted by clauses (i), (ii) and (iii) of subparagraph (e) (1) hereof, except in accordance with such production schedules as may be specifically approved from time to time by the Director of Industry Operations. Proposed production Schedules shall be submitted on Form PD–446.

(f) *Records.* All persons affected by this Order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, production and sales.

(g) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* Producers, distributors and dealers shall file on or before May 15, 1942, Form PD–445 relating to inventories of Rubber-Tired Construction Equipment as of the effective date of this Order. Producers shall file proposed production schedules on Form PD–446 in accordance with paragraph (e) (2) hereof. In addition, all persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(i) *Violations.* Any person who wilfully violates any provision of this Order, or who, in connection with this Order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that

it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action, if any, as he deems appropriate by the amendment of this Order or otherwise.

(k) *Communications.* All communications concerning this Order shall be addressed to War Production Board, Washington, D. C., Ref.: L–82–a.

(l) *Effective date.* This Order shall take effect on the date of its issuance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 681, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 2d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE A

EXCAVATING AND GRADING MACHINERY—CONSTRUCTION EQUIPMENT PRODUCTS

Batchers, Bin & Hopper.
Batching Plants, Contractors.
Bins, Construction Material.
Blade Bits.
Blades, Grader.
Brooms, Contractors Rotary.
Buckets, Clamshell.
Buckets, Concrete.
Buckets, Dragline.
Buckets, Orange Peel.
Buckets, Scraper (Bottomless) for dragline operation.
Buckets, Shovel.
Centerline Marking Equipment.
Chutes, Concrete Handling.
Compressors, Portable Air.
Conveyors, Construction Material Belt.
Cranes, Crawler Mounted Power.
Cranes, Tractor Mounted Power.
Cranes, Rubber Tire Mounted Power.
Crushers, Construction Material Asphalt.
Crushers, Construction Material Cone.
Crushers, Construction Material Gyratory.
Crushers, Construction Material Jaw.
Crushing Plants, Other Than Stationary, Construction Material.
Derricks, Guy.
Derricks, Stiff Leg.
Discs, Road.
Distributors, Bituminous.
Distributors, Water.
Ditchers, Blade.
Ditchers, Ladder.
Ditchers, Wheel.
Draglines, See Cranes.
Dragline, Slack Line.
Draglines, Walking.
Dredges & Dredge Equipment.
Drilling Machines, Earth & Rock Blast Hole Drills.
Drilling Machines, Earth & Rock Core Drills.
Drilling Machines, Earth & Rock Jack Hammers.
Drilling Machines, Earth & Rock Rock Drills.
Dryers, Construction Aggregate.
Earth Boring Machines.
Elevators, Bucket.
Excavators, See Power Shovels.
Filling Machines, Joint & Crack.
Finegraders & Subgraders, Self-propelled & Drawn.
Finishers, Concrete.
Finishers, Bituminous.
Finishers, Floor, Other Than Wood.
Forms, Concrete Road.
Form Tamping Machines.
Grader Blades.
Graders, Blade or Pull Type Earth Moving.
Graders, Elevating Earth Moving.
Graders, Self-propelled Earth Moving.
Graders, Under-truck Type Earth Moving.
Hammers, Paving Breaker.
Hammers, Pile.
Heaters, Asphalt Surface.
Heaters, Concrete Mixer.
Heaters, Tank Car.
Hoists, Contractors (Other Than Tractor Mounted)
Hoppers, Construction Material.
Jacks, Mud.
Joint Levelers.
Kettles, Bituminous Heating.
Loaders, Portable Bucket Type (Other Than Coal).
Loaders, Portable Snow.
Maintainers, Road.
Maintainers, Shoulder.
Mixers, Bituminous.
Mixers, Concrete Agitator & Truck.
Mixers, Concrete Construction.
Mixers, Paving.
Mixers, Plaster.
Plants, Asphalt.
Plows, Cable Laying.
Plows, Snow.
Plows, Self-propelling Snow.
Plows, Other Than Farm Construction.
Pulverizers, Construction Material.
Pumps, Concrete.
Pumps, Contractors, Dewatering & Supply.
Rippers, Contractors.
Rollers, Road, Pneumatic Tired.
Rollers, Road, Portable.
Rollers, Road, Tamping.
Rollers, Road, Tandem.
Rollers, Road, Three Wheeled.
Scarifiers.
Scrapers, Carrying or Hauling, both Drawn and Self-propelled.
Scrapers, Drag, Fresno & Rotary.
Screening Plants, Construction Material (Other Than Stationary)
Screens, Gravity Construction Material.
Screens, Rotary Construction Material.
Screens, Vibrating Construction Material.
Shovels, Crawler Mounted Power.
Shovels, Rubber Tire Mounted Power.
Shovels, Tractor Mounted Power.
Shredders, Construction Material.
Sprayers, Emulsion & Cut-Back.
Spreaders, Aggregate.
Spreaders, Concrete.
Subgraders & Finegraders.
Surfacing Machines, Concrete or Asphalt.
Sweepers, Street.
Sweepers, Motor Pickup, Street.
Tanks, Portable Bituminous Supply.
Tanks, Portable Water Supply.
Towers, Concrete Placing.
Towers, Construction Material Elevating.
Vibrators, Concrete.
Wagons, Contractors Crawler.
Washing & Screening Plants, Portable.
Winches, Contractors.

[F. R. Doc. 42–3964; Filed, May 2, 1942; 11:48 a. m.]

PART 1211—WOOD CASED PENCILS

GENERAL LIMITATION ORDER L–113

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other materials for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1211.1 *General limitation order L–113*—(a) *Definitions.* For the purposes of this Order:

(1) "Pencil" means any writing instrument consisting of a nonmovable center core of lead or other marking material encased in a sheath of wood.

(2) "Ferrule" means any container designed to be attached to a pencil for the purpose of holding an eraser plug.

(3) "Eraser Plug" means any erasing material containing Crude or Reclaimed Rubber, designed to be attached to a pencil, whether by means of a Ferrule or otherwise.

(4) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not, engaged in the production of pencils.

(5) "Finishing Material" means any material used as a protective coating on pencils containing cellulose derivatives, synthetic resins and plasticizers.

(6) "Pigment" means any Material added to a Finishing Material for the purpose of coloring such Finishing Material.

(7) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind used in the production of Pencils.

(8) "Supplier" means any person who delivers Material to a Manufacturer of Pencils or to any other Supplier.

(9) "Inventory" means raw materials, semi-processed materials, semi-fabricated materials or finished parts for use in the production of pencils which were either in the physical possession of the Manufacturer before April 1, 1942, or in the physical possession of a Supplier prior to April 1, 1942, ear-marked on a firm commitment for delivery to a Manufacturer after April 1, 1942, pursuant to a contract or commitment made prior to April 1, 1942.

(b) *General restrictions.* (1) On and after the effective date of this Order, no manufacturer may use any metal other

than iron or steel in the production of pencils.

(2) On and after the effective date of this Order, no Manufacturer may use any iron and steel in the production of Pencils, except such iron and steel contained in the Manufacturer's inventory or which he is permitted to acquire pursuant to subparagraph (b) (5) (ii) of this Order, may be used for the manufacture of a number of Ferrules equal to the number of Eraser Plugs contained in such Manufacturer's inventory.

(3) On and after the effective date of this Order, no Manufacturer shall use in connection with the manufacture of Pencils more Finishing Material in the aggregate than an amount equal to the ratio of 1 gallon of Finishing Material per 100 gross of Pencils produced by him.

(4) On and after the effective date of this Order, no Manufacturer shall add any pigment to any Finishing Material used in the production of Pencils, except carbon black, lamp black, boneblack, white, domestic earth colors, and ultramarine blue.

(5) From the effective date of this Order, no Manufacturer shall sell, lease, trade, lend, deliver, ship or transfer to any person whatsoever, any iron, steel, or any other metal contained in his inventory and intended for use in the production of Pencils, except

(i) If such iron or steel is contained as part of a Ferrule which such Manufacturer is permitted to manufacture under the terms of this Order;

(ii) Such iron or steel intended for use in the manufacture of Ferrules may be sold, leased, traded, lent, delivered, shipped or transferred to other Manufacturers, provided that such iron or steel may properly be used in the manufacture of Ferrules by such Manufacturers under the terms of this Order;

(iii) To fill an order for such iron or steel placed with such Manufacturer bearing a duly applied preference rating not lower than A-2;

(iv) To Defense Supplies Corporation, Metals Reserve Company, or any other corporation organized under Section 5 (d) of the Reconstruction Finance Corporation Act as amended, or any person acting as agent for any such Corporation; or

(v) Pursuant to specific authorization of the Director of Industry Operations, on Form PD-423.

(c) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Violations.* Any person who wilfully violates any provision of this Order, or who, in connection with this Order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the "War Production Board, Washington, D. C., Ref.: L-113", setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: L-113.

(i) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Application of other orders.* Insofar as any other Order issued by the Director of Priorities or the Director of Industry Operations, or to be issued hereafter by the Director of Industry Operations, limits the use of any iron or steel in the production of Wood Cased Pencils to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern unless otherwise specified therein.

(k) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 2d day of May, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3958; Filed, May 2, 1942; 11:46 a. m.]

PART 1028—DOMESTIC COOKING APPLIANCES

SUPPLEMENTARY LIMITATION ORDER L-23-b—DOMESTIC ELECTRIC RANGES

§ 1028.3 *Supplementary Limitation Order L-23-b*—(a) *Definitions.* For the purposes of this Supplementary Limitation Order L-23-b:

(1) "Domestic Electric Range" means any range or cooking stove for home use, having as functional parts electric heating elements of a total rated wattage of 2½ Kilowatts or over.

(2) "Replacement Part" means any item, section, device or article which is a component part of a Domestic Electric Range, and which is necessary to put a Domestic Electric Range in a safe and workable condition after wear, tear or damage has rendered it unsafe or unfit to perform the function of simple domestic cooking, and which is not manufactured or assembled for use in the manufacture or assembly of any new Domestic Electric Range.

(3) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(4) "Transfer" means to sell, lease, lend, deliver, trade, ship or in any other way transfer title to or possession of any Domestic Electric Ranges. "Transfer" does not include a transfer of title merely for security purposes.

(b) *General restrictions.* (1) For the period beginning with the effective date of this Order and ending May 31, 1942, except as provided in subparagraph (b) (5) of General Limitation Order L-23, issued December 13, 1941,[1] no Person shall use, in the aggregate, to manufacture or assemble Domestic Electric Ranges more iron or steel than the sum of—

(i) 1/12 of the iron or steel used, in the aggregate, by him to manufacture or assemble Domestic Electric Ranges during the 12 months ending June 30, 1941; plus

(ii) That quantity of iron or steel which will enable him to complete his unused quota of Domestic Electric Ranges for the 4 month's period, January 1, 1942 to April 30, 1942, as defined in subparagraphs (b) (1), (2) and (3) of General Limitation Order L-23, issued December 13, 1941.

(2) After May 31, 1942, no Person shall manufacture or assemble any Domestic Electric Range, except in the fulfillment of orders or contracts bearing preference ratings of A-1-k or higher.

(3) Nothing in this Order is intended in any way to restrict the manufacture or assembly of any Replacement Part.

(c) *Restrictions on the distribution of new domestic electric ranges.* On and after the effective date of this Order, notwithstanding the terms of any contract, agreement or commitment to the contrary, no Person shall transfer any New Domestic Electric Range, except—

(1) To fill orders bearing a preference rating of A-9 or better; or

(2) To deliver to its immediate destination any New Domestic Electric Range which is actually in transit at the time this Order takes effect;

(3) Pursuant to the specific authorization of the Director of Industry Operations.

(d) *Sale of iron and steel prohibited.* On and after the effective date of this

[1] 6 F.R. 6425; 7 F.R. 902.

Order no Manufacturer (as defined in subparagraphs (a) (4), (5) and (6) of General Limitation Order L–23) shall transfer any iron or steel contained in his inventories to any Person whatsoever, except—

(1) If such steel is contained in the part of any Domestic Electric Range or any Replacement Part thereof which he is permitted to manufacture under the terms of this Order; or

(2) To any other Manufacturer of Domestic Electric Ranges for use in the manufacture of any Domestic Electric Ranges or any Replacement Part thereof, to the extent that such Manufacturer is not prohibited by the terms of this Order or any other Order heretofore or hereafter issued by the Director of Priorities or the Director of Industry Operations.

(3) To fill an order for such iron or steel placed with such Manufacturer bearing a duly applied preference rating of A–2 or higher; or

(4) To Defense Supplies Corporation, Metals Reserve Company or any other corporation organized under Section 5 (d) of the Reconstruction Finance Corporation Act, as amended, or any Person acting as agent for any such corporation; or

(5) Pursuant to specific authorization of the Director of Industry Operations.

(e) *Reports.* Not later than 14 days after the effective date of this Order each manufacturer to whom this Order applies shall file with the Consumer's Durable Goods Branch, Division of Industry Operations, War Production Board, Washington, D. C., a report on Form PD–192, stating also the quantities and model numbers of all Domestic Electric Ranges in his inventory and his estimated projected rate or production, by model number of Domestic Electric Ranges.

(f) *Violations.* Any Person who wilfully violates any provision of this Order, or who, in connection with this Order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may apply for relief by filling and completing Form PD–417 and forwarding the same to the War Production Board, Washington, D. C., Ref.: L–23–b. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Applicability of the provisions of General Limitation Order L–23.* Except as hereinabove provided, this Supplementary Limitation Order is subject in every respect to all the provisions of General Limitation Order L–23.

(i) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 2d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–3978; Filed, May 2, 1942; 12:44 p. m.]

PART 921—ALUMINUM SCRAP

AMENDMENT NO. 1 OF SUPPLEMENTARY ORDER NO. M–1–d [1]

Section 921.6 (*Supplementary Order No. M–1–d*) is hereby amended as follows:

1. Subparagraph (3) of paragraph (a) shall read as follows:

(3) "Plant Scrap" means Scrap which is generated in the course of manufacture and defective or rejected material, the principal metallic ingredient of which is Aluminum; and shall also include all types and grades of Aluminum residues, such as drosses, skimmings, fines, grindings, sawings, and buffings, provided that the recoverable metallic Aluminum content, as determined by the fire assay, hydrogen evolution or other method of comparable efficiency, constitutes 15 per cent or more by weight of such residues.

2. Paragraph (e) shall read as follows:

(e) *Sale of plant scrap.* Unless specifically authorized by the Director of Industry Operations, no Person generating Plant Scrap may sell or deliver any such Scrap that he is not entitled to use in accordance with Paragraph (c), except as follows:

(1) *17S, 24S, and 52S solids.* Segregated Scrap consisting of 17S, 24S, and 52S Aluminum alloys in solid form, respectively, shall be sold and shipped directly to a Producer: *Provided, however,* That where the amount of such Scrap of any one alloy specification does not amount to 5,000 pounds or more per month, it may be sold to a Producer, Approved Smelter, or Dealer.

(2) *Other scrap.* All other Segregated Scrap and all Mixed Scrap shall be sold to a Producer, Approved Smelter, or Dealer.

3. Paragraph (h) shall read as follows:

(h) *Certification upon sale of segregated scrap.* The maker of Segregated Scrap shall furnish the buyer with a signed document showing (i) the alloy number or specification, (ii) form of scrap, (iii) weight (on a clean and dry basis), and (iv) the name and address of the plant where generated. This document shall bear a notation as to the date of sale and the names and addresses of the parties to the transaction, and, in case of resale of such Scrap, shall be similarly endorsed and transferred by the seller. The seller of Segregated Scrap shall see that it is clearly marked showing the alloy number or specification and source. No scrap other than Segregated Scrap shall be so designated by any Person.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall be effective immediately.

Issued this 2d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–4009; Filed, May 4, 1942; 11:41 a. m.]

[1] 7 F.R. 160.

PART 962—IRON AND STEEL

AMENDMENT NO. 4 TO SUPPLEMENTARY ORDER M–21–b [1]—WAREHOUSES AND DEALERS

Supplementary Order M–21–b (§ 962.3) is hereby amended to read as follows, effective immediately:

§ 962.3 *Supplementary Order M–21–b*—(a) *Additional definitions.* For the purpose of this Supplementary Order:

(1) "Warehouse" means any person who receives physical delivery of iron or steel from a Producer for sale or resale in the form received; but does not include any structural shape, plate, or sheet fabricator unless his Warehouse sales during 1940 represented at least 25 percent of the total tonnage of iron or steel products handled by him during that year.

(2) "Dealer" means any person who receives physical delivery of iron or steel from a Warehouse for sale or resale in the form received.

(3) "Delivery" includes deliveries on consignment.

(b) *Schedule A products.* With respect to the iron or steel products listed in Schedule A hereto:

(1) *Quota restrictions.* No Warehouse shall accept from any person during any calendar quarter deliveries except within the limits of the quota established for such Warehouse by the Director of Industry Operations. Application for such quota shall be made on Form PD–83–a. Such quota shall be computed on the base tonnage herein described. The base tonnage of any Schedule A product classification is the tonnage of such product classification shipped by the Warehouse from stock during the first calendar quarter of 1941. Beginning July 1, 1942, the quota of the Warehouse in each calendar quarter is the percentage of such base tonnage shown in Columns 2 or 3 of Schedule A. The quota of the Warehouse for the second calendar quarter of 1942 is

[1] 6 F.R. 4587, 5255, 5995, 6736; 7 F.R. 1626.

that previously assigned by Amendment No. 3 to Supplementary Order M–21–b. No Warehouse which, during 1940, purchased more than 25 percent of its tonnage of any product classification in a grade invoiced as less than prime quality may, during any calendar quarter, purchase prime quality iron or steel products of the same classification from a Producer in an amount greater than one-fourth of the tonnage of such prime quality material purchased from such Producer during 1940. The base tonnage or the quota may be changed from time to time by the Director of Industry Operations.

(2) *Preference rating.* On or before July 1, 1942, the Director of Industry Operations will issue to each Warehouse for which a quota may be established pursuant to paragraph (b) (1), and who has reported monthly on Form PD–83, a certificate assigning a preference rating of A–1–k to deliveries of iron or steel to such Warehouse, within the limits of such quota. On or after July 1, 1942, no person may deliver Schedule A products to any Warehouse, and no Warehouse may accept such deliveries, unless such Warehouse shall have filed with such person a copy of its A–1–k preference rating certificate. Effective immediately and prior to July 1, 1942, a preference rating of A–1–k is hereby assigned to deliveries of iron or steel to each Warehouse now holding an uncancelled A–9 preference rating certificate. Such preference rating may be changed from time to time by the Director of Industry Operations.

(3) *Reports.* Each Warehouse unless specifically exempted shall file with the Bureau of the Census, Washington, D. C., on or before the 15th day of each month, a report on Form PD–83 Revised, or in such other form as may from time to time be prescribed by the Director of Industry Operations.

(c) *Schedule B products.* With respect to the iron and steel products listed in Schedule B hereto:

(1) *Quota restrictions.* No Producer shall make to a Warehouse stock, and no Warehouse shall accept from any Producer during any calendar quarter, deliveries for stock except within the limits of the quota which such Warehouse is entitled to receive from such Producer. Such quota shall be computed on the base tonnage herein described. Except for Wire and Wire Products, the base tonnage of all Schedule B product classifications is the tonnage of such product classification shipped by the Producer to the Warehouse stock during the corresponding calendar quarter of 1940. The base tonnage for Wire and Wire Products is the tonnage shipped by the Producer to the Warehouse stock during the corresponding calendar quarter of the period July 1, 1940–June 30, 1941. By written notice delivered to the Producer on or before July 1, 1942, the Warehouse may change the base tonnage for Wire and Wire Products to one-fourth of the annual base tonnage provided for above; but the base tonnage cannot thereafter be changed for any subsequent calendar quarter. The quota which each Producer may deliver to each Warehouse during the second calendar quarter of 1942 and the proportion thereof to which the rating assigned by paragraph (c) (2) applies are the same as provided by Amendment No. 3 to Supplementary Order M–21–b. The quota which each Producer may deliver to each Warehouse in each calendar quarter, following June 30, 1942, is the percentage of such base tonnage shown in Column 4 of Schedule B herein. The base tonnage or the quota may be changed from time to time by the Director of Industry Operations. Any Warehouse whose base tonnage of all Schedule B products with any Producer for the calendar year is 120,000 pounds or less may accept its annual quota from such Producer at any time during the calendar year, provided that not more than two minimum carloads are accepted in any calendar quarter. After approval by the Iron and Steel Branch, War Production Board, on Form PD–83–e Revised, the base tonnage and quota of a Warehouse for any product classification may be transferred from one Producer to another.

(2) *Preference rating.* Effective immediately and until July 1, 1942, a preference rating of A–3 is assigned to deliveries of each product classification from any Producer to a Warehouse up to the percentage of the base tonnage shown in Column 2 of Schedule B appearing in Amendment No. 3 to Supplementary Order M–21–b. On and after July 1, 1942, a preference rating of A–3 is assigned to deliveries of each product classification from any Producer to a Warehouse up to the percentage of the base tonnage shown in Columns 2 or 3 of Schedule B herein. Shipment of Schedule B products to any Warehouse may be increased to the percentage shown in Column 4 of Schedule B only if the Warehouse through the use of Form PD–83–g is able to develop ratings higher than A–3 for additional tonnage. Where the amount of all Schedule B products assigned the A–3 rating in any calendar quarter is less than one minimum carload for the haul in question but more than one-half of such minimum carload, such rating may be applied up to one minimum carload.

(3) *Reports.* Each Producer making deliveries of Schedule B products to a Warehouse shall file with the Iron and Steel Branch, War Production Board, on or before July 15, 1942, and quarterly thereafter, a report on Form PD–83–f Revised, or in such other form as may from time to time be authorized by the Director of Industry Operations.

(4) *Deliveries to warehouses and dealers by persons other than producers.* Effective immediately, a preference rating of A–3 is assigned to deliveries of Schedule B products from persons other than Producers and their agents to Warehouses and Dealers who handled such products in 1940: *Provided, however,* That a dealer may not use this rating to purchase any Schedule B product from a Warehouse stock during a calendar quarter in quantities greater than would be obtained by applying the percentage shown in Column 3 of Schedule B herein to his total purchases of such product from such Warehouse stock during the corresponding calendar quarter of the base period established for such product in paragraph (c) (1) above. To apply such rating the Warehouse or Dealer must endorse on the purchase order or contract a statement in the following form, signed manually or as provided in Priorities Regulation No. 7 (944.27) by an official duly authorized for such purpose:

> The undersigned hereby certifies to the War Production Board and to the seller that an A–3 rating is assigned to the purchase of the Schedule B products listed hereon pursuant to paragraph (c) (4) of Supplementary Order M–21–b, as amended, with the terms of which I am familiar.
>
> ---
> (Name of Warehouse or Dealer)
>
> ---
> (Authorized Official)

(d) *Limitations on deliveries by warehouses and dealers.* No Warehouse or Dealer shall make deliveries in whole or in part of steel plates over 90 inches wide in any thickness or over 48 inches wide and heavier than ¾ inch except on a preference rating higher than A–2. Except as hereinafter provided, deliveries of all alloy or carbon iron or steel products by a Warehouse or Dealer shall be subject to the same restrictions as those imposed by any order of the Director of Industry Operations on deliveries of such products by a Producer. Except as provided below, no Warehouse or Dealer shall deliver other iron or steel products except on an order bearing a preference rating of A–10 or higher which has been duly assigned pursuant to regulations, orders, or certificates: *Provided, however,* That

(1) A Warehouse may deliver carbon steel products on lower rated or unrated orders when such orders are certified by the purchaser to be for necessary repair or maintenance purposes if the total amount of any product so delivered to all customers of such Warehouse during a calendar quarter does not exceed 3 percent of its quota of such product for such quarter.

(2) A Warehouse or Dealer may deliver nails and bale ties, and black or galvanized welded pipe up to and including 3½" OD standard pipe size on lower rated or unrated orders, except as restricted by any other order of the Director of Industry Operations.

(3) No Warehouse or Dealer shall make a delivery to any one customer to one destination at any one time from warehouse stock in quantities representing a minimum carload or more except with the specific approval of the War Production Board unless such carload contains more than ten different items, each item to be of a specific quality, length and cross-section, and no item of which shall weigh more than 8,000 pounds.

(e) *Inventory limitations.* On and after July 1, 1942, no Warehouse may accept a delivery of Product Classification 20 (Tool Steel Bars) if such delivery, when added to its existing inventory of

the same product classification, will result in an inventory at the end of any calendar quarter greater than twice its quarterly tool steel bar quota. On and after July 1, 1942, no Warehouse may accept a delivery of any other product classification if such delivery, when added to its existing inventory of the same product classification will result in an inventory at the end of any calendar quarter greater than one and one-third times its quarterly quota of such product classification.

(f) *Special instructions.* The Director of Industry Operations may from time to time issue specific directions to Warehouses or Dealers requiring them to earmark stocks or to make deliveries during specified periods in fulfillment of contracts, commitments, or purchase orders for particular purposes or to particular persons. Such directions will be made primarily to insure satisfaction of all war requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director of Industry Operations without regard to any preference ratings assigned to particular contracts, commitments, or purchase orders, and without regard to any quota established under paragraphs (b) or (c).

(g) *Canadian warehouses.* The Director of Industry Operations may establish quotas for Warehouses located in the Dominion of Canada and may assign ratings to deliveries to such Warehouses.

(h) *Applications of higher ratings.* The provisions of any preference rating certificate or order heretofore or hereafter issued to the contrary notwithstanding, no rating higher than A–1–k on Schedule A products or higher than A–3 on Schedule B products shall be applied by a Warehouse for deliveries to stock except on Form PD–83–g and in accordance with the following:

(1) *For deliveries of Schedule A products to warehouses having a quarterly quota of Schedule A products amounting to 500 tons or less.* (i) For the purposes of extension, preference ratings received on the sale of one or more product classifications representing the same type of steel (carbon, stainless or alloy) may be grouped.

(ii) Except as permitted by paragraph (h) (3), extension of a rating higher than A–1–k for any type of steel shall be made only when the Warehouse has within 90 days prior to such extension, shipped from stock on ratings higher than A–1–k an accumulated total weight of such type of steel not less than the following:

	Pounds
Carbon steel, all products	40,000
Stainless steel, all products	6,000
Alloy steels, all products	20,000

(2) *For deliveries of schedule A products to all other warehouses and for deliveries of all schedule B products to warehouses.* (i) For the purposes of extension, the rating received by the Warehouse for each product classification and type of steel as shown in Schedule C shall be separately accumulated.

(ii) Except as permitted by paragraph (h) (3), extension of a rating higher than A–1–k for any Schedule A product classification or higher than A–3 for any Schedule B product classification shall be made only when the Warehouse has within 90 days prior to such extension, shipped from stock on ratings higher than A–1–k or A–3 as the case may be, an accumulated total weight of such product classification and type not less than the minimum shown in Schedule C.

(3) As to iron or steel specialty products (such as spring wire, manufacturers' wire, and music wire) extension of a rating higher than A–1–k for any Schedule A product classification or higher than A–3 for any Schedule B product classification shall be made only when the Warehouse has within 90 days prior to such extension shipped from stock on ratings higher than A–1–k or A–3, as the case may be, 1,000 pounds or more of such specialty item.

(4) The rating to be extended to the delivery of any product classification shall be the lowest rating received on shipments within the accumulated total.

(5) An amount of each product classification equal to the amount obtained through the use of preference ratings higher than A–1–k shall be reserved for a period of 90 days following the date of receipt by the Warehouse for delivery on orders rated higher than A–1–k, except when otherwise specifically ordered by the Director of Industry Operations. If such material is not sold at the end of 90 days on ratings higher than A–1–k, it may then be sold on other orders, subject to the provisions of this or other Orders.

(6) Consolidated ratings established pursuant to this paragraph (h) must be based solely on deliveries from one location, and deliveries pursuant to such consolidated ratings must be made to the same location.

(i) *Extension of preference rating.* The preference rating assigned by this Order, or any higher rating applied by a Warehouse pursuant thereto, may be applied by a Producer to deliveries of material to be physically incorporated into material to be delivered by the Producer to a Warehouse under any rating assigned above, or to be used within the limitations of this paragraph to replace in the Producer's inventory material so delivered. Such application of the rating shall be subject to the following:

(1) No Producer may apply the rating to obtain material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder, or to replace in his inventory material so delivered. He shall not be deemed to require such material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(2) To extend such rating a Producer must endorse on each purchase order or contract to be covered by a rating assigned hereunder, a statement in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27)[2] by an official duly authorized for such purpose:

The undersigned hereby certifies that the iron and steel products herein ordered are required to complete purchase order Nos. ____ received from a Steel Warehouse, Preference Rating _____.

_____
(Name of Producer)

By _____
(Authorized Official)

Such endorsement shall constitute a representation to the War Production Board and to the person with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. The seller shall be entitled to rely on such representation unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to material the delivery of which is rated in accordance herewith.

(3) Each Producer extending any rating in accordance with this paragraph (i) shall file such reports as may be required from time to time by the War Production Board.

(j) *Effective date.* This Supplementary Order shall take effect immediately and shall remain in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 4th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE A

[Base tonnage—sales from warehouse stock, first calendar quarter of 1941, as approved on Form PD-83-a]

Product classification (Column 1)	Quota percent of base tonnage: States of California, Oregon, and Washington (Column 2)	Quota percent of base tonnage: All other states (Column 3)
1. Ingots, blooms, billets, slabs, tube rounds, sheet and tin bars.	120	100
2. Structural shapes and piling	120	100
3. Plates (universal and sheared)	75	75
4. Rails—over 60 lbs	100	100
5. Rails—all other	100	100
6. Tie plates and track accessories, including track spikes	100	100
7. Hot rolled bars, carbon, including hoops and bands	130	110
9. Hot rolled bars, alloy	120	100
10. Cold finished bars, carbon and alloy	130	110
11b. Tubes (mechanical and pressure)	130	110
12. Wire rods (for wire drawing only)	100	100
14. Black plate	80	60
16. Sheets and strip, hot rolled	120	100
17. Sheets and strip, cold reduced	80	60
19. Sheets and strip, all other (including long ternes)	80	60
20. Tool steel bars, including drill rod	130	110
21. Wheels and axles	100	100
22. Forgings, armor plate, and ordnance	100	100
23. Forgings, all other (rough forgings only)	100	100
24. Steel castings (rough castings only)	100	100
25. Skelp	100	100
26. All other	100	100

[2] 7 F.R. 1062.

SCHEDULE B

[*Base tonnage*—for all products except Classification 13, shipments from producers to warehouse stock during corresponding calendar quarter of 1940. For Classification 13, shipments from producers to warehouse stock during corresponding calendar quarter of the period July 1, 1940-June 30, 1941. On specific election of the warehouse pursuant to paragraph c (1) of the order, the quarterly base tonnage may be changed to one-fourth of total shipments to stock during the base period provided above]

Product classification	Percent of base tonnage rated A-3		Quota as percent of base tonnage (maximum which may be shipped)
	Warehouse having annual base tonnage of all products totaling 120,000 lbs. or less	Warehouse having annual base tonnage of all products over 120,000 lbs.	
(Column 1)	(Column 2)	(Column 3)	(Column 4)
8. Hot rolled bars, concrete reinforcing	150	50	120
11a. Pipe and tubes (all kinds except mechanical and pressure tubing)	100	50	120
13. Wire and wire products:			
a. Bale ties, nails, and welding rods (uncoated)	140	140	140
b. Wire, woven fence wire, poultry netting, stucco netting, welded wire fabric in rolls (building fabric), barbed wire, staples, fence posts and gates	100	50	120
15. Tin and Terne plate (short ternes)	0	0	0
18. Galvanized sheets and strip (including corrugated)	100	50	120

SCHEDULE C

[Minimum size orders of steel for warehouse stock to which a rating higher than A-1-k may be extended]

Schedule A products	Type of steel (pounds)		
	Carbon	Alloy	Stainless
1. Ingots, blooms, billets, slabs, tube rounds, and sheet and tin bars	40,000	20,000	------
2. Structural shapes and piling	40,000	20,000	------
3. Plates (universal and sheared)	40,000	20,000	6,000
4. (Rails—over 60 lbs.)			
5. (Rails—all other)			
6. Tie plates and track accessories, including track spikes	40,000	------	------
7. Hot rolled bars, carbon, including hoops and bands	40,000	------	------
9. Hot rolled bars, alloy	------	20,000	6,000
10. Cold finished bars, carbon and alloy	20,000	10,000	6,000
11b. Tubing (mechanical and pressure)	40,000	10,000	2,000
12. Wire rods (for wire drawing only)	40,000	------	------
14. Black plate	40,000	------	------
16. Sheets and strip, hot rolled	40,000	20,000	6,000
17. Sheets and strip, cold reduced	20,000	10,000	6,000
19. Sheets and strip, all other (including long ternes)	20,000	10,000	------
20. Tool steel bars, including drill rod	1,000	1,000	------
21. Wheels and axles	40,000	20,000	------
22. Forgings, armor plate and ordnance	20,000	20,000	------
23. Forgings, all other (rough forgings only)	20,000	20,000	------
24. Steel castings (rough castings only)	20,000	20,000	2,000
25. Skelp	40,000	------	------
26. All Other	40,000	20,000	6,000

SCHEDULE C—Continued

[Minimum size orders of steel for warehouse stock to which a rating higher than A-3 may be extended]

Schedule B products	Type of steel (pounds)		
	Carbon	Alloy	Stainless
8. Hot Rolled Bars, concrete reinforcing	40,000	------	------
11a. Pipe and Tubes (All kinds except mechanical and pressure tubing)	40,000	------	------
13. Wire and wire products:			
a. Bale ties, nails and welding rods (uncoated)			
b. Wire, woven fence wire, poultry netting, stucco netting, welded wire fabric in rolls (building fabric), barbed wire, staples, fence posts and gates	40,000	------	2,000
15. Tin and Terne Plate (short ternes)	No quotas	------	------
18. Galvanized sheet and strip (including corrugated)	40,000	------	------

[F. R. Doc. 42-4008; Filed, May 4, 1942; 11:41 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

AMENDMENT NO. 5 TO GENERAL IMPORTS ORDER M-63 [1]

Section 1042.1 (*General Imports Order M-63*) is hereby amended as follows:

(1) By adding to List A the following:

Material	Ec. class	Commodity No.
Cubé (timbo or barbasco) root	0	221.28
	6	222.36
Derris root and tuba or tube root	0	221.30
	6	222.37
Flax (not hackled)—additional commodity numbers	0	3262.8
	0	3262.9
Beryl ore and beryllium ore	1	6270.0
Metallic beryllium	7	838.870
Beryllium oxide, carbonate and other beryllium salts [2]	------	------

[2] Ec. class and commodity numbers for these materials have not been assigned by the Department of Commerce, Statistical Classification of Imports.

(2) By giving the new commodity numbers of certain of the materials on List A as follows:

Material	Old commodity No.	New commodity No.
Babassu nuts	2239.1	2239.13
Babassu kernels	2239.1	2239.15
Oticica oil	2257.6	2255.6

This amendment shall take effect on May 4, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 4th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4010; Filed, May 4, 1942; 11:41 a. m.]

[1] 6 F.R. 6796; 7 F.R. 206, 228, 2094, 2708.

PART 1046—SUPPLIERS

EXEMPTION NO. 4 FROM SUPPLIERS' INVENTORY LIMITATION ORDER L-63 [1]

§ 1046.7 *Exemption 4 from Suppliers' Inventory Limitation Order L-63.* (a) Pursuant to paragraph (b) (5) of Suppliers' Inventory Limitation Order L-63, the Director of Industry Operations hereby exempts from the provisions of said Order any Supplier insofar as his business consists in the sale of Supplies made of aluminum, provided that such Supplies are acquired by the Supplier pursuant to allocation or other specific authorization issued by the Director of Industry Operations. Accordingly, the requirements in connection with records and reports and the inventory limitations provided in said Order do not apply to such Supplies.

(b) This exemption shall take effect immediately, and shall continue in effect until amended or revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (A), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 4th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4011; Filed, May 4, 1942; 11:42 a. m.]

[1] 7 F.R. 2630, 3081.

Chapter XI—Office of Price Administration

PART 1316—COTTON TEXTILES

AMENDMENT NO. 5 TO REVISED PRICE SCHEDULE NO. 89 [2]—BED LINENS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Sections 1316.101 (b) and 1316.104 (c) are amended; § 1316.104 (e) is redesignated 1316.104 (g); new §§ 1316.104 (e) and 1316.104 (f) are added; new § 1316.109 (f) is added; § 1316.111 (c) is amended; § 1316.111 (d) (1) and § 1316.111 (d) (3) are amended and new § 1316.111 (d) (8) is added as set forth below:

§ 1316.101 *Maximum prices for bed linens.*

* * * * *

(b) The provisions of Revised Price Schedule No. 89 are not applicable:

(1) To sales or deliveries of bed linens made by any wholesaler, jobber or retailer in the performance of a recognized distributive function: *Provided*, That except in accordance with subparagraphs (2) and (3) of this paragraph, sales and deliveries of bed linens by the manufacturer thereof or by any agent of such manufacturer, shall not be made at prices higher than the established maximum prices.

[2] 7 F.R. 1375.

(2) To sales or deliveries of brown sheeting to a manufacturer, converter, or finisher for further processing prior to resale.

(3) To retail sales of bed linens made by any manufacturer thereof through any retail establishment regularly maintained, owned and operated by such manufacturer prior to February 2, 1942, the effective date of Price Schedule No. 89. As used herein, the term "retail sales" means sales in small quantities to ultimate consumers for direct household consumption, and not for further processing or resale in any form.

§ 1316.104 *Records and reports.*

* * * * *

(c) No bed linens (except print-cloth and back-filled type bed linens) shall be sold on or after March 2, 1942 in any transaction subject to the provisions of this Revised Price Schedule No. 89 unless each piece bears a label containing:

(1) a statement of its type and size;

(2) if the piece is a second, the term "second"; and

(3) if the piece does not meet the minimum specifications set forth in Table I, (§ 1316.111) the term "substandard."

* * * * *

(e) No back-filled type bed linens shall be sold on or after May 25, 1942 in any transaction subject to the provisions of this Revised Price Schedule No. 89 unless each piece bears a label containing:

(1) a statement of its size and the term "back-filled";

(2) if the piece is a second, the term "second"; and

(3) if the piece does not meet the minimum specifications for back-filled type bed linens set forth in Table I, (§ 1316.111) the term "substandard".

(f) The requirements of paragraphs (c), (d) and (e) of this section shall not apply to sales of bed linens to the United States government, or any State or local government, or any subdivision thereof, if such government, subdivision or agency makes a request in writing to the seller that labels be omitted.

(g) Persons affected by this Revised Price Schedule No. 89 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1316.109 *Definitions.*

* * * * *

(f) "Back-filled type bed linens" means bed linens (1) manufactured from yarns averaging not heavier than 24s and not lighter than 33s and (2) having a total thread count per square inch of 128 or less.

§ 1316.111 *Appendix A: Maximum Prices for bed linens.*

* * * * *

(c) *Maximum price tables.*

TABLE I—KEY TO TYPES OF BED LINENS AS LISTED IN TABLE II[1]

Specifications [2]	Type 180 [3]	Type 140	Type 128	Type 112	Back-filled type
Thread count per square inch (unbleached)	180	140	128	112	116
Weight per square yard (ounces)	3.6	4.6	4.0	3.7	[4] 3.2
Tensile strength (pounds):					
Warp	60	70	55	45	40
Filling	60	70	55	45	35
Selvage	Tape	Tape	Tape	Tape	Plain or tape
Plain hems (total for both ends) [5 6]	4"	4"	4"	4"	4"
Stitches per inch [5 6]	14	14	14	14	12
Added sizing (maximum) [5]	4%	4%	6%	10%	15%

[1] This table states minimum specifications (except for added sizing) for each type.

[2] In any instance in which the buyer or seller is in doubt as to whether bed linens meet the stated specifications, such bed linens shall be tested by the Federal test method CCC-T-191A. The unit for such testing shall be the case, or its equivalent, which shall include not more than twenty dozen sheets or fifty dozen pillow cases. Each case of the goods in respect to which such doubt exists shall be tested separately. In the event of failure to meet minimum specifications for any given type as set forth in Table I, the goods shall be deemed substandard and the applicable maximum price shall be determined pursuant to subparagraph (3) of paragraph (d).

[3] Bed linens having a finished thread count of less than 175 shall not be classified as Type 180 regardless of whether they meet all other specifications of that type.

[4] Grey weight in the case of back-filled type only.

[5] Not applicable to brown sheeting.

[6] Not applicable to bleached sheeting.

TABLE II[1]—BASE PRICES FOR BED LINENS

Classes and dimensions of goods	Types 180 and 140	Type 128	Type 112	Back-filled type
	Cents per yard			
Brown sheeting:				
42" width	22	17	14	13.5
45" width	24	18.5	15	14.5
48" width	26	20.5	16	15.5
54" width	30	23	18	-----
57" width	-----	-----	-----	18
63" width	34	26.5	21	-----
67" width	-----	-----	-----	21.5
72" width	38	29.5	25	-----
76" width	-----	-----	-----	24
81" width	42	32.5	28	25.5
87" width	-----	-----	-----	27.5
90" width	46	36	31	28.5

TABLE II[1]—BASE PRICES FOR BED LINENS—Continued

Classes and dimensions of goods	Types 180 and 140	Type 128	Type 112	Back-filled type
	Cents per yard			
Brown sheeting—Continued.				
97" width	-----	-----	-----	31
99" width	50	40	35	-----
108" width	58	46.5	-----	-----
Bleached sheeting:				
42" width	24	18.5	15	16.5
45" width	26	20.5	16	17.5
50" width	30	23	18	-----
54" width	34	26.5	21	20.5
63" width	38	29.5	25	24.0
72" width	42	32.5	28	26.5
76" width	-----	-----	-----	28.0

TABLE II[1]—BASE PRICES FOR BED LINENS—Continued

Classes and dimensions of goods	Types 180 and 140	Type 128	Type 112	Back-filled type
	Cents per yard			
Bleached sheeting—Con.				
81" width	46	36	31	30.5
90" width	50	40	35	34
99" width	58	46.5	-----	-----
	Dollars per dozen			
Sheets:[2]				
42" x 64"	-----	5.20	-----	-----
42" x 72"	7.01	5.69	-----	-----
45" x 64"	6.80	5.62	-----	-----
45" x 72"	7.49	6.17	-----	-----
45" x 75"	7.75	6.30	-----	-----
50" x 72"	8.42	6.77	-----	-----
50" x 75"	8.75	7.00	-----	-----
50" x 90"	10.50	8.40	-----	-----
54" x 72"	9.41	-----	-----	-----
54" x 75"	9.75	-----	-----	-----
54" x 90"	11.70	9.45	7.80	6.95
54" x 99"	12.72	10.25	8.43	7.57
54" x 108"	13.74	11.04	9.06	8.18
54" x 113"	14.30	-----	-----	-----
63" x 90"	12.90	10.35	9.00	8.00
63" x 99"	14.04	11.24	9.75	8.72
63" x 108"	15.18	12.12	10.50	9.44
63" x 113"	15.81	-----	-----	-----
72" x 90"	14.10	11.25	9.90	8.75
72" x 99"	15.36	12.23	10.74	9.55
72" x 108"	16.62	13.20	11.58	10.34
72" x 113"	17.32	-----	-----	-----
81" x 90"	15.30	12.30	10.80	9.95
81" x 99"	16.68	13.38	11.73	10.87
81" x 108"	18.06	14.46	12.66	11.78
81" x 113"	18.82	-----	-----	-----
90" x 90"	16.50	13.50	12.00	11.00
90" x 99"	18.00	14.70	13.05	12.02
90" x 108"	19.50	15.90	14.10	13.04
90" x 113"	20.33	-----	-----	-----
100" x 108"	22.38	-----	-----	-----
100" x 113"	23.34	-----	-----	-----
Pillow cases:[2]				
28" x 21"	1.87	-----	-----	-----
36" x 36"	3.27	2.70	-----	-----
42" x 36"	3.65	2.97	2.55	2.38
42" x 38½"	3.83	3.12	2.68	2.52
42" x 40½"	3.99	3.25	-----	-----
45" x 36"	3.87	3.21	2.67	2.50
45" x 38½"	4.09	3.38	2.80	2.65
45" x 40½"	4.26	3.52	-----	-----
50" x 36"	4.35	3.51	-----	-----
50" x 38½"	4.60	3.70	-----	-----
50" x 40½"	4.80	3.86	-----	-----
54" x 36"	4.83	3.93	-----	-----
54" x 38½"	5.11	4.15	-----	-----
54" x 40½"	5.34	4.32	-----	-----
Bolster cases:[2]				
42" x 54"	5.57	-----	-----	-----
42" x 60"	6.05	-----	-----	-----
42" x 63½"	6.34	-----	-----	-----
42" x 72"	7.01	5.69	4.85	-----
42" x 76½"	7.37	5.96	-----	-----
45" x 72"	7.49	6.17	5.09	-----
45" x 76½"	7.88	6.40	-----	-----

[1] The base price for bed linens, differing in any dimension from those listed herein shall be: (a) in the case of brown or bleached sheeting, the base price provided herein for such sheeting of the nearest inferior width; and (b) in the case of sheets, pillow cases or bolster cases, the base price provided herein for the equivalent linear yardage of bleached sheeting of the same type and width, plus the applicable following amount:

	Types 180, 140, 128 and 112	Back-filled type
	Dollars per dozen	
For Sheets 90" or more in length	1.50	0.80
For Sheets less than 90" in length	1.25	.60
For Pillow cases (Bolster cases) 54" or more in length	1.25	.60
For Pillow cases less than 54" in length	.75	.40

[2] The dimensions stated herein indicate length prior to hemming.

TABLE III—MAXIMUM PRICES FOR MANUFACTURERS, CONVERTERS OR FINISHERS

(Percentage discounts from base prices in Table II)

Spot cotton price (cents per pound)	Type 180	Type 140	Type 128	Type 112 and back-filled type
15.44 to 15.98	15.8	18.5	16	13.5
15.99 to 16.53	15.0	17.5	15	12.5
16.54 to 17.08	14.2	16.5	14	11.5
17.09 to 17.63	13.4	15.5	13	10.5
17.64 to 18.18	12.6	14.5	12	9.5
18.19 to 18.73	11.8	13.5	11	8.5
18.74 to 19.28	11.0	12.5	10	7.5
19.29 to 19.83	10.2	11.5	9	6.5
19.84 to 20.38	9.4	10.5	8	5.5
20.39 to 20.93	8.6	9.5	7	4.5
20.94 to 21.48	7.8	8.5	6	3.5
21.49 to 22.03	7.0	7.5	5	2.5

(d) *Deductions, premiums, and special classes of bed linens.*[2] (1) The maximum prices set forth in paragraphs (c) and (d) of this section shall be discounted (i) where payment is made within 10 days of delivery by three per cent; and (ii) where payment is made within the next 60 days by two per cent.

* * * * *

(3) (i) For bed linens, other than print-cloth bed linens, which fail to meet the specifications as to weight set forth in Table I, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof of the specified weight by which such linens are deficient.

(ii) For bed linens, other than print-cloth bed linens, which fail to meet the specifications as to tensile strength set forth in Table I, either as to warp or filling, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof of the specified tensile strength by which the warp is deficient and by five per cent for each five per cent or fraction thereof of the specified tensile strength by which the filling is deficient.

(iii) For bed linens, other than print-cloth bed linens, which contain added sizing in excess of the applicable maximum prescribed in Table I, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof by which the sizing contained in such bed linens exceeds the prescribed maximum.

(iv) For back-filed type bed linens which have a total thread count per square inch of less than 116 the price shall be discounted by five per cent:

Provided, That a seller of back-filled type bed linens which fail to meet the specifications set forth for back-filled type bed linens in Table I, or which have a total thread count per square inch of 128, may at his option sell such bed linens either at a price not in excess of the maximum price for substandard or standard back-filled type bed linens (as the case may be) or at a price not in excess of the alternative maximum price established by paragraph (d) (8) of this section.

* * * * *

(8) Any seller of back-filled type bed linens which fail to meet the specifications for back-filled type bed linens set forth in Table I, or which have a total thread count per square inch of 128, may at his option sell such back-filled type bed linens either at a price not in excess of the maximum price herein provided for standard or substandard back-filled type bed linens (as the case may be) or at a price not in excess of the maximum prices as hereinafter defined:

(i) Maximum prices for back-filled bed linens may be determined as follows, subject to adjustment as provided in paragraph (d) (8) (iii) below:

(*a*) For any back-filled type bed linens of the same specifications as back-filled type bed linens which a seller contracted to sell or offered for sale at a specified price, from July 21, 1941 to August 15, 1941, inclusive, the maximum price shall be the weighted average price for such bed linens during such period, to purchasers of the same general class. As used herein, the term "weighted average price" means the average of prices agreed upon in connection with contracts of sale, weighted in accordance with the quantity sold at each price, or if no contracts of sale were made, the average of the list prices in effect, weighted in accordance with the number of business days each list price was in effect.

(*b*) If from July 21, 1941 to August 15, 1941, inclusive, the seller had no contract prices and no list prices to purchasers of the same general class, but had during such period either contract prices or list prices for back-filled type bed linens of the same specifications to purchasers of other classes, the maximum price shall be his weighted average price, as defined in (*a*) above, to purchasers of the most nearly comparable class, appropriately adjusted to compensate for his normal differential between the prices to purchasers of the respective classes.

(*c*) For any back-filled type bed linens of specifications which from July 21, 1941 to August 15, 1941, inclusive, the seller neither contracted to sell nor listed for sale at a specific price, the maximum price shall be a price in line with[3] the seller's maximum price, as defined in (*a*) and (*b*) above, during such period, for back-filled type bed linens of the most nearly comparable specifications.

(*d*) If the seller from July 21, 1941 to August 15, 1941, inclusive, did not contract to sell nor offer for sale at a specific price any back-filled type bed linens, the maximum price shall be the average of the maximum prices during such period of three representative sellers,[4] determined in accordance with (*a*), (*b*) or (*c*) above, whichever is applicable according to the terms thereof: *Provided,* That if a seller is unable after diligent inquiry to find three such sellers, his maximum price shall be the average of the maximum prices determined in accordance with (*a*), (*b*) or (*c*) above, of as many such sellers as he can find.

(ii) Hereafter, every seller, upon making his first delivery of back-filled type bed linens of each specification at a price determined in accordance with subdivision (i) hereof, shall immediately file with the Textiles, Leather and Apparel Section, Office of Price Administration, a report containing full specifications of such bed linens sold by him, a statement of the maximum price as determined by him and an exact explanation of the manner in which it was computed. Such report shall be filed within one week of any such first transaction.

(iii) The maximum prices established herein may be adjusted by the differentials set forth in Table V hereof in accordance with the spot cotton price of the business day preceding that on which the contract of sale is, or was, made: *Provided,* That where the contract of sale for back-filled bed linens is made on or after May 4, 1942, the adjustment pursuant to Table V shall be made on the basis of a spot cotton price of 20.37 cents per pound.

TABLE V—DIFFERENTIALS FOR DETERMINING MAXIMUM PRICES OF BACK-FILLED BED LINENS

Spot cotton price (Cents per pound)	Maximum upward adjustment (Cents per pound of grey goods required to produce the back-filled type bed linen)
16.54 to 17.08	0.63
17.09 to 17.63	1.26
17.64 to 18.18	1.89
18.19 to 18.73	2.52
18.74 to 19.28	3.15
19.29 to 19.83	3.78
19.84 to 20.38	4.41

§ 1316.110 *Effective dates of amendments.*

* * * * *

(d) Amendment No. 5 (§§ 1316.101 (b), 1316.104 (c), (e), (f), (g), 1316.109 (f), 1316.111 (c), (d) (1) and (d) (8) to Revised Price Schedule No. 89 shall become effective May 4, 1942.

Issued this 2d day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3977; Filed, May 2, 1942; 12:39 p. m.]

[2] The percentages stated in this paragraph are percentages of the applicable maximum prices expressed in terms of dollars and cents.

[3] As used herein, the term "in line with" means (1) based upon and having a justifiable relationship to, and (2) appropriately increased or decreased to take account of differences in specification and such other material factors as have a direct bearing on the cost of production of the respective back-filled type bed linens.

[4] As used herein, the term "representative seller" means a seller who is engaged in and representative of the same type of business and whose maximum prices reasonably reflect the average market price during the base period.

PART 1370—ELECTRICAL APPLIANCES

AMENDMENT NO. 2 TO MAXIMUM PRICE REGULATION NO. 111 [1]—NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1370.8 is amended to read as set forth below:

§ 1370.8 *Labels showing maximum prices.* Every person offering a model of household vacuum cleaner (or attachment) for sale to consumers shall attach to it a label setting forth legibly the following:

The maximum cash price for the household vacuum cleaner (or attachment) as established by the Office of Price Administration is $_____. Lower prices may be charged without violating any Regulation or Order of the Office of Price Administration.

Provided, That it shall be optional to substitute for the last sentence on said label: "Lower prices may legally be charged or demanded."

§ 1370.14 *Effective dates of amendments.*

* * * * *

(b) Amendment No. 2 (§ 1370.8) to Maximum Price Regulation No. 111 shall become effective May 15, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3973; Filed, May 2, 1942; 12:34 p. m.]

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

AMENDMENT NO. 1 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 12—DOMESTIC WASHING MACHINES AND IRONING MACHINES—DISTRIBUTORS AND RETAILERS

Corrections

In paragraph (c) of § 1380.151 (7 F.R. 3126), the name of the Barlow & Seelig Manufacturing Company was misspelled.

PART 1410—WOOL

MAXIMUM PRICE REGULATION NO. 123—RAW AND PROCESSED WOOL WASTE MATERIALS

Corrections

In paragraph (a) of § 1410.80 (7 F.R. 3089), "lowest commercial transportation rate" should read "lowest available commercial transportation rate." In Table I (7 F.R. 3090), the first figures under "Colored" for 100% wool should read "$0.96" instead of "$9.96"; the figures under "Colored" for "Worsted spinning threads: ⅜ blood" should read ".51" instead of "751." In the second table on page 3093, the tenth line under "Classifications" for 100% wool should read "Coarse ¼" to ½" long."

In Table II (7 F.R. 3093), the figures for men's worsteds in the column headed "100% wool, 98% boil out" should read ".33" instead of ".32" opposite "Navy blue (pencil stripe)" and "Forestry." The boxhead under Miscellaneous in the second column of page 3094 should be identical with the boxhead appearing at the top of the third column.

[1] 7 F.R. 2307, 2794.

PART 1306—IRON AND STEEL

AMENDMENT NO. 3 TO REVISED PRICE SCHEDULE NO. 49 [1]—RESALE OF IRON OR STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new entry is added to § 1306.160 (a) as set forth below:

§ 1306.160 *Appendix B: Listed cities—(a) Listed cities or free delivery areas in which sellers stock heavy steel line and merchant wire products.* * * *

Washington, D. C___ J. B. Kendall Company.

§ 1306.158a *Effective dates of amendments.*

* * * * *

(c) Amendment No. 3 (§ 1306.160 (a)) to Revised Price Schedule No. 49 shall become effective May 5, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4005; Filed, May 4, 1942; 11:38 a. m.]

PART 1330—CONTAINERS

AMENDMENT NO. 1 TO MAXIMUM PRICE REGULATION NO. 66 [2]—SECOND HAND BAGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new § 1330.60a, is added and a new paragraph, (i), is added to § 1330.61, as set forth below:

§ 1330.61 *Appendix A: Maximum prices for second hand bags.*

* * * * *

(i) *Resales of second hand unprocessed or as rise bags.* Any person who purchases unprocessed or as rise second hand bags for resale as unprocessed or as rise bags, may, on such resale, add to the maximum price for such bags determined in accordance with the other provisions of Maximum Price Regulation No. 55, a premium not to exceed three-fourths of one cent per bag: *Provided,* That in no event may more than one such premium be added to the maximum price for such unprocessed or as rise bags determined in accordance with the other provisions of the Maximum Price Regulation No. 55.

§ 1330.60a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1330.60a and § 1330.61 (i)) to Maximum Price Regulation No. 55 shall become effective May 6, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 4th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4006; Filed, May 4, 1942; 11:40 a. m.]

[1] 7 F.R. 1300, 1836, 2132, 2473, 2541, 2682.
[2] 7 F.R. 2300.

PART 1499—COMMODITIES AND SERVICES

GENERAL MAXIMUM PRICE REGULATION

Section 1499.25 [1] of the General Maximum Price Regulation, filed with the Division of the Federal Register April 28, 1942; 4:06 p. m., which section, by the terms of the General Maximum Price Regulation, is to become effective May 18, 1942, through inadvertence did not include the items listed below. It is hereby ordered that the following items be included:

§ 1499.25 *Appendix B: Commodities designated by the Price Administrator as cost-of-living commodities.*

* * * * *

FOOD AND HOUSEHOLD SUNDRIES

* * * * *

Other Groceries and Household Sundries

* * * * *

Table salt.
Corn meal, bulk or packaged.
Rice, bulk or packaged.
Toilet paper.
Soaps (bar, flakes, powder, chips, granular, and cleansing powders).
Paper napkins.

Household Furniture, Appliances, and Furnishings

Appliances and equipment:
- Radios and phonographs.
- Vacuum cleaners and carpet sweepers.
- Refrigerators and iceboxes.
- Washing machines.
- Sewing machines.
- Stoves and ranges.
- Small appliances: irons, toasters, glass coffee makers, and mixers.
- Floor lamps and bridge lamps.
- Light bulbs.
- Ironing boards.
- Step-on cans.
- Floor brooms.
- China and pottery tableware, in sets.
- Cooking utensils (10-quart pail, 2-quart saucepan, 5-quart teakettle).

Furniture:
- All living room, dining room suites (sets or individual pieces).
- Kitchen tables and chairs.
- Studio couches and sofa beds.
- Mattresses.
- Bedsprings.

[1] 7 F.R. 3153, 3157.

Furnishings:
Rugs and carpets, size 6 by 9 feet and larger.
Linoleum.
Felt base floor coverings.
*Bed sheets and sheeting, cotton.
*Towels, cotton bathroom and kitchen.
*Blankets and comforts.
*House curtains.
*Bed spreads, cotton.
*Tablecloths and napkins, plain and print (cotton only).
Window shades.

Hardware, Agricultural Supplies, Miscellaneous

Hayforks.
Garden and lawn rakes.
Dirt shovels.
Axes, single bit.
Claw hammers.
Handsaws.
Inside and outside house paints (ready mixed).
Fertilizer, bulk and packaged.
*Vegetable seeds, bulk and packaged.
Insecticides.
Bicycles, adult sizes.
Bicycle tires.
Flashlights.

Ice, Fuel, and Automotive

Ice.
Coke.
Coal (hard and soft).
Charcoal.
Firewood.
Kerosene.
Fuel oil.
Gasoline.
Oil.
Tires and inner tubes.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of May, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3954; Filed, May 2, 1942; 11:22 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 2—GENERAL RULES AND REGULATIONS

BLUE RIDGE PARKWAY, AMENDMENT

Pursuant to the authority contained in the act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), § 2.55 of Part 2, Title 36, Code of Federal Regulations, as amended April 8, 1942 (7 F.R. 2906), is hereby further amended as follows:

Paragraph (k) of § 2.55, *Fees*,[1] is amended by striking from subparagraphs (1), (2) and (3), respectively, the words "Blue Ridge Parkway between Adney Gap, Virginia, and Deep Gap, North Carolina" and inserting in lieu thereof the following: "Blue Ridge Parkway between Adney Gap, Virginia, and Deep Gap, North Carolina, and between Beacon Heights, North Carolina, and McKinney Gap, North Carolina".

Approved: April 27, 1942.

[SEAL] JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-3952; Filed, May 2, 1942; 10:13 a. m.]

PART 20—SPECIAL REGULATIONS

GLACIER NATIONAL PARK, FISHING REGULATIONS AMENDED

Pursuant to the authority contained in the act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), § 20.3 (a) (6) of Part 20, Title 36, Code of Federal Regulations, is hereby amended to read as follows:

§ 20.3 *Glacier National Park*—(a) *Fishing; open season.*

* * * * *

(6) Fishing is prohibited between the hours of 10:30 P. M. and 6:00 A. M.

* * * * *

Approved: April 27, 1942.

[SEAL] JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-3953; Filed, May 2, 1942; 10:13 a. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

[T.D. 50625]

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

PART 3—TONNAGE DUTY AND LIGHT MONEY

ADDITIONS TO LIST OF NATIONS WHOSE VESSELS ARE EXEMPTED FROM DISCRIMINATORY TONNAGE DUTIES AND LIGHT MONEY

Section 3.5, Part 3, Title 46, Code of Federal Regulations, is amended by the insertion in the list of nations at the end of that section; (a) of the word "Burma" immediately after "Brazil" and preceding "Canada"; (b) of the words "India" and "Iran" immediately after "Iceland" and preceding "Iraq"; (c) of the words "New Zealand" immediately after "Netherlands" and preceding "Nicaragua"; and (d) of the word "Switzerland" immediately after "Sweden" and preceding "Syria and The Lebanon". (R.S. 161, R.S. 4219, R.S. 4225, section 3, 23 Stat. 119; 5 U.S.C. 22, 46 U.S.C. 121, 128, and 3)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: April 30, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-3969; Filed, May 2, 1942; 12:28 p. m.]

[T.D. 50624]

PART 5—FOREIGN CLEARANCES

RESCISSION OF REQUIREMENT THAT MASTER MAKE OATH AT TIME OF CLEARANCE ON CUSTOMS FORM 1375 WITH RESPECT TO PASSENGERS TO BE CARRIED

Paragraph (d) of § 5.4, Part 5, Title 46, Code of Federal Regulations, is hereby rescinded. (R.S. 161; 5 U.S.C. 22)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: May 1, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-3968; Filed, May 2, 1942; 12:28 p. m.]

Chapter II—Coast Guard: Inspection and Navigation

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than Steam More Than 65 Feet in Length

PART 29—ENFORCEMENT

SIZE AND POSITION OF NUMBERS

Section 29.8 (d) is amended by the deletion therefrom of the first sentence.

Section 29.8 (f) (3) is amended to read as follows:

(3) The number shall be painted parallel with the water line and the distance between the water line and the bottom of the number shall not be less than the minimum height of the number. The height of the number shall be in accordance with the following scale:

Length of vessel:	*Height of letters (inches)*
Under 20' 0''	6-8
20' 0'' and under 40' 0''	10
40' 0'' and under 60' 0''	18
60' 0'' and over	24

The width of the characters of the number and the thickness of the individual numbers will be in accordance with accepted engineering practices. (R.S. 161, sec. 5, 40 Stat. 602, as amended; 5 U.S.C. 22, 46 U.S.C. 288; E.O. 9074, 7 F.R. 1587)

R. R. WAESCHE,
Commandant.

MAY 1, 1942.

[F. R. Doc. 42-3980; Filed, May 4, 1942; 9:37 a. m.]

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

BLACKOUT ENFORCEMENT

Section 153.19 *Blackout enforcement* is amended to read as follows:

§ 153.19 *Blackout enforcement.* On ocean and coastwise vessels the master shall, when the vessel is at sea, maintain

[1] 7 F.R. 2907.

a complete blackout of his vessel from dusk until dawn except for the display of running lights in such areas and under such conditions as may be directed by competent naval authority. (Sec. 4405, R.S., as amended; Title 46 U.S.C. sec. 375; E.O. 9083; 7 F.R. 1609.)

R. R. WAESCHE,
Commandant.

MAY 1, 1942.

[F. R. Doc. 42-3979; Filed, May 4, 1942; 9:37 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order O.D.T. No. 7]

PART 500—CONSERVATION OF RAIL EQUIPMENT

SUBPART B—TANK CARS

By virtue of the authority vested in me by Executive Order No. 8989, dated December 18, 1941, and in order to make available tank cars and other transportation facilities and equipment for the preferential transportation of material of war and to prevent shortages of equipment required for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act, as amended; to conserve and providently utilize transportation facilities and service; to expedite the movement of commodities normally moving by tank cars, and to coordinate the operation and distribution of the Nation's total tank car supply in order that maximum utilization may be obtained in the movement of such commodities, the attainment of which purpose is essential to the successful prosecution of the war:

It is hereby ordered, That:

Sec.
500.9 Definitions.
500.10 Section of Tank Car Service established.
500.11 Permit required for movement of tank cars.
500.12 Application for permit for tank car equipment.
500.13 Tank cars subject to control of Section of Tank Car Service.
500.14 Reports to Section of Tank Car Service.
500.15 Compensation for use of tank cars; effective date.

AUTHORITY: §§ 500.9 to 500.15, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 500.9 *Definitions.* As used in this subpart:

(a) "Person" shall include any individual, firm, co-partnership, corporation, company, association, joint stock association and any trustee, receiver, assignee or personal representative thereof.

(b) "Common carrier by railroad" means a common carrier by railroad subject to the provisions of Part I of the Interstate Commerce Act, as amended, and any other rail carrier which is capable of transporting or does transport tank cars.

(c) "Car leasing company" means any person who owns, or controls, tank cars other than a common carrier by railroad or a shipper owner.

(d) "Shipper-owner" means any person, other than a common carrier by railroad or a car leasing company, who ships commodities in a tank car which he owns or leases.

(e) "Tank car" shall include all railroad tank cars capable of use in transporting any liquid, fluid or gas in bulk.

§ 500.10 *Section of Tank Car Service established.* There is hereby established within the Office of Defense Transportation a Section of Tank Car Service.

§ 500.11 *Permit required for movement of tank cars.* On and after the effective date set forth in § 500.15, no common carrier by railroad shall accept for shipment, forward or transport, any loaded tank car except as authorized by a general or special permit issued by the Section of Tank Car Service: *Provided, however,* That until further order no permit shall be required for the shipment by tank car of any commodity consigned by or to the United States Government or any department or agency thereof. The Section of Tank Car Service may grant reasonable exceptions to the requirement of a general or special permit.

§ 500.12 *Application for permit for tank car shipment.* Any person desiring to ship any commodity by tank car for which a permit is required under this subpart may apply to the Section of Tank Car Service on forms provided by it for a general or special permit authorizing such shipment or shipments to be transported. Such applications shall show, among other facts, the extent to which other methods of transportation, including tank trucks, are available for the hauls involved and the efforts which have been made to procure other transportation service. General or special permits authorizing such movement by tank car issued by the Section of Tank Car Service, may specify commodities to be shipped, routes to be used or other conditions of shipment.

§ 500.13 *Tank cars subject to control of Section of Tank Car Service.* On and after the effective date set forth in § 500.15, every common carrier by railroad, car leasing company, shipper-owner and lessee shall, upon direction of the Section of Tank Car Service, cause any or all tank cars of which it may have possession or control to be moved to such loading points, for transportation of such commodity or commodities, to be assigned for loading, to be loaded, unloaded or used in such service, at such times, over such route or routes, and under such conditions as the Section of Tank Car Service may direct, from time to time, notwithstanding any existing contract, lease or other commitment, express or implied, for use or service other than that directed: *Provided, however,* That, except as required by a direction of the Section of Tank Car Service, this subpart shall not be construed to cancel or modify any contract, lease or other agreement with respect to tank cars or rights arising out of tank car ownership.

§ 500.14 *Reports to Section of Tank Car Service.* Every person owning, leasing, subleasing, loading, unloading or controlling the operation of a tank car, every common carrier and every car leasing company shall make such reports at such times as the Section of Tank Car Service shall require.

§ 500.15 *Compensation for use of tank cars; effective date.* Just compensation for the use of tank cars, pursuant to this Order, shall be paid by the rail carriers to the person entitled thereto, as provided by present or future tariffs, regulations or orders of competent governmental authority.

This subpart shall become effective on the 15th day of May 1942. Issued at Washington, D. C., this 4th day of May 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

MAY 4, 1942.

[F. R. Doc. 42-3984; Filed, May 4, 1942; 10:28 a. m.]

[Exception Order O.D.T. No. 7-1]

PART 520—CONSERVATION OF RAIL EQUIPMENT—EXCEPTIONS AND PERMITS

SUBPART B—TANK CARS

Certain Petroleum Shipments Excepted

Pursuant to the authority conferred by General Order O.D.T. No. 7, Title 49, Chapter II, §§ 500.9 to 500.15, inclusive:

It is hereby ordered:

§ 520.401 *Exception Order 7-1.* Effective May 15, 1942, and until further notice, neither general nor special permits will be required for the following shipments in tank cars:

(a) Of crude petroleum or petroleum products into the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia, from any shipping point in any other State;

(b) Of crude petroleum or petroleum products into the States of Washington and Oregon from any shipping point in any other State;

(c) Of any commodity billed to a destination over one hundred (100) miles from shipping point by the shortest available published rail tariff route. (E.O. 8989, 6 F.R. 6725; Gen. Order O.D.T. No. 7, this issue)

Issued at Washington, D. C., this 4th day of May 1942.

SECTION OF TANK CAR SERVICE,
By F. A. TUTT.

MAY 4, 1942.

[F. R. Doc. 42-3985; Filed, May 4, 1942; 10:28 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1673–FD]

IN THE MATTER OF THE PITTSBURG & SHAWMUT COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7349, DEFENDANT

ORDER REINSTATING REGISTRATION

An order having been entered in the above-entitled matter on October 1, 1941, suspending the registration of the above-named defendant for a period of one hundred and eighty (180) days from the date of service thereof on the above-named defendant; and

Said order having been served on the above-named defendant on October 10, 1941, and said period of suspension having expired on April 8, 1942; and

An affidavit dated March 31, 1942, and a supplemental affidavit dated April 13, 1942, having been filed by said defendant with the Bituminous Coal Division on April 2, 1942, and April 14, 1942, respectively, pursuant to the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors and of said order of suspension dated October 1, 1941, respectively; and

It appearing that said affidavits comply with the provisions of said § 304.15 of said Rules and Regulations for the Registration of Distributors and of said order of suspension dated October 1, 1941, respectively;

Now, therefore, it is ordered, That the registration of Pittsburg and Shawmut Coal Company as a registered distributor, Registration No. 7349, be and the same hereby is reinstated, effective as of April 9, 1942, at 12:01 a. m.

Dated: May 1, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–3982; Filed, May 4, 1942; 10:21 a. m.]

[Docket No. B–107]

IN THE MATTER OF PATTERSON AND WILLIAMS, ALSO KNOWN AS WILLIAM PATTERSON AND ARTHUR WILLIAMS, INDIVIDUALS. TRADING AS PATTERSON AND WILLIAMS, COPARTNERSHIP CODE MEMBER, CODE MEMBER

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division on October 16, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by District Board 1 alleging wilful violation by Patterson and Williams, also known as William Patterson and Arthur Williams, trading as Patterson and Williams, a copartnership, a code member in District 1, of the Bituminous Coal Code or rules and regulations thereunder, as follows:

That code member sold subsequent to September 30, 1940, substantial quantities of run of mine coal produced at its Wilpat Mine, Mine Index 2637, located at Osceola Mills, Pennsylvania, for shipment by truck to various purchasers at prices below the applicable effective minimum price established for such coal of $2.25 per ton, f. o. b. the mine.

Pursuant to an Order of the Director and after due notice to interested persons, a hearing in this matter having been held on December 15, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Altoona, Pennsylvania, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard, and at which code member appeared:

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in the matter, which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof the code membership of code member Patterson and Williams and the individual partners thereof, William Patterson and Arthur Williams, be and it is hereby revoked and cancelled.

It is further ordered, That, prior to any reinstatement of Patterson and Williams and the individual partners thereof, William Patterson and Arthur Williams, code member or the individual partners therein shall pay to the United States a tax in the amount of $551.95, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: May 1, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–3983; Filed, May 4, 1942; 10:21 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A TENTATIVELY APPROVED MARKETING AGREEMENT, AND TO A MARKETING ORDER, REGULATING THE HANDLING OF MILK IN THE COOK-DU PAGE COUNTIES, ILLINOIS, MARKETING AREA, PREPARED BY THE ADMINISTRATOR OF AGRICULTURAL MARKETING ADMINISTRATION

Pursuant to § 900.12 (a) of the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture, governing proceedings to formulate marketing orders and marketing agreements, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to a proposed marketing agreement and to a marketing order regulating the handling of milk in the Cook-Du Page Counties, Illinois, marketing area. Interested parties may file exceptions to the report with the Hearing Clerk, Room 0312, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

PRELIMINARY STATEMENT

The proceedings were initiated by the Surplus Marketing Administration upon receipt of a petition dated January 31, 1942, from the Pure Milk Association of Chicago, Illinois, for a public hearing on a marketing agreement and marketing order program which it proposed. Following this request, and after consideration of the proposal, notice of the hearing was issued on March 6, 1942, and the hearing was convened on March 26, 1942. The time for filing briefs was set at the close of the hearing, to expire at midnight April 7, 1942.

The underlying issue in this proceeding is whether or not the Secretary shall issue a marketing order. It is concluded from the record that an order should be issued and that a marketing agreement should be offered to the handlers who regularly sell milk in the prescribed marketing area to be known as the Cook-Du-Page Counties, Illinois, marketing area, irrespective of the original source of the milk sold. By this means orderly marketing conditions will be promoted and preserved and the policy of the act will be effectuated.

From the conclusion on the underlying issue, several principal issues pertaining to certain features of the proposed program assume prominence from the record, as follows:

1. What constitutes the most practical marketing area, and what constitutes its supply of milk which should be regulated?
2. At what level shall the minimum class prices be fixed?
3. By what method shall the proceeds of these minimum prices be distributed to producers?

On these issues, it is concluded that:

1. The marketing area should include the city of Barington in Lake County, Illinois, and the territory within Cook and DuPage Counties, Illinois, excepting: (1) the marketing area described in Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, (2) the townships of Bremen, Calumet, Thornton, Rich, Orland, Bloom and Hanover, and (3) that part of the city of Blue Island which lies in Worth Township in Cook County, Illinois; and that the supply to be regulated should be that received at a plant from which fluid milk is regularly used as Class I milk in the marketing area, excepting any such milk which is already being regulated by Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

2. Parity prices calculated from the period August 1919–July 1929 are unreasonable in view of present conditions and that it is necessary to fix prices,

under section 8c (18) of the act, such that farmers will receive a price for milk produced for sale in the marketing area sufficient to maintain an adequate supply of pure and wholesome milk for such area and to be in the public interest.

3. The reserve supplies of milk of the fluid milk plants serving the marketing area are sufficiently well proportioned among the handlers of milk so that equity as among producers and as among handlers may be achieved by requiring such handler to distribute the proceeds of his own utilization of milk among the producers who supply him, without impeding his drawing upon additional sources of supply occasionally if actually needed.

4. The purchasing power of milk in the Cook-Du Page Counties, Illinois, marketing area specified in section 2 of the act cannot be determined satisfactorily from available statistics of the Department of Agriculture for the period August 1909–July 1914, but can be determined satisfactorily from available statistics of the Department of Agriculture for the post-war period August 1919–July 1929 and that the post-war period should be the base period to be used in determining the purchasing power of milk sold in the Cook-Du Page Counties, Illinois, marketing area.

The following proposed marketing order and proposed marketing agreement are recommended as the detailed means by which these conclusions may be carried out.

This report filed at Washington, D. C., the 1st day of May 1942.

[SEAL] ROY F. HENDRICKSON,
Administrator.

PROPOSED MARKETING ORDER, REGULATING THE HANDLING OF MILK IN THE COOK-DU PAGE COUNTIES, ILLINOIS, MARKETING AREA

This proposed marketing order has been prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

It is found upon the evidence introduced at the public hearing held in Wheaton, Illinois, March 26 and 27, 1942:

Findings

1. That prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e (50 Stat. 246; 7 U.S.C. 1940 ed. 602, 608c), are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That all handling of milk sold or disposed of by handlers as defined in section 1 (a) (4) of this order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products, and that handlers so defined are engaged in the handling of milk which is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk or its products;

3. That the order regulates the handling of milk in the same manner as, and is applicable only to handlers defined in, a marketing agreement upon which a hearing has been held;

4. That a pro rata assessment on handlers as provided by section 9 of this order at a rate not to exceed 2 cents per hundredweight on all milk received from producers or an association of producers, or produced by them, during each delivery period will provide funds necessary to pay such expenses as necessarily will be incurred by the market administrator under such order for the maintenance and proper functioning of his office; and

5. That orderly conditions for milk flowing into the Cook-DuPage Counties, Illinois, marketing area are so disrupted as to result in the impairment of the purchasing power of such milk and that the issuance of this order and all of its terms and conditions, will tend to effectuate the declared policy of the act.

Provisions

SECTION 1. *Definitions*—(a) *Terms.* The following terms used herein shall have the following meanings:

(1) "Marketing area" means all of the territory within the corporate limits of the city of Barrington in Lake County, Illinois, and all of the territory within Cook and Du Page Counties, Illinois, excepting (1) the marketing area described in Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, (2) the townships of Bremen, Calumet, Thornton, Rich, Orland, Bloom, and Hanover, and (3) that part of the city of Blue Island which is in the township of Worth, in Cook County, Illinois.

(2) "Person" means individual, partnership, corporation, association, or other business unit.

(3) "Producer" means any person who produces milk which is purchased or received at a plant from which fluid milk is used as Class I milk in the marketing area, excepting any person who is a producer under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area: *Provided*, That during any delivery period when such plant furnishes milk for Class I use in the marketing area in an amount less than 10 percent of the total receipts of milk at such plant and for less than 10 days during such delivery period, persons producing milk purchased or received at such plant shall not be considered to be producers for such delivery period.

(4) "Handler" means any person who engages in handling milk, all, or any portion, of which is used as Class I milk in the marketing area, and who engages in such handling of milk as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall not be deemed to include any person who is subject to the definition of handler under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

(5) The term "market administrator" means the agency which is described in section 2 for the administration hereof.

(6) The term "delivery period" means the period from the effective date hereof until the end of the month in which such effective date occurs, and thereafter such term shall mean the current marketing period from the first to the last day of each month, both days inclusive.

(7) The term "cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members and (b) to have and to be exercising full authority in the sale of milk of its members.

(8) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(9) The term "Secretary" means the Secretary of Agriculture of the United States.

SEC. 2. *Market administrator*—(a) *Selection, removal, and bond.* The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(c) *Powers.* The market administrator shall have the power: (1) to administer the terms and provisions hereof, and (2) report to the Secretary complaints of violations hereof.

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose, after reasonable notice, the name of any person who has

not made reports pursuant to section 3, or made payments required by section 8;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as does not reveal confidential information;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof; and

(8) Pay, out of the funds received pursuant to section 9, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

(e) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 5th day after the end of each delivery period, the prices for all classes of milk pursuant to section 5 (a), the differential pursuant to section 5 (c), and the Class I prices applicable pursuant to section 5 (e).

(2) Not later than the 14th day after the end of each delivery period, the uniform price for each handler computed pursuant to section 7 (b).

SEC. 3. *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 7th day after the end of each delivery period, each handler who purchases or receives milk during such delivery period from associations of producers and other handlers, with respect to all milk purchased or received from such sources, shall submit to the market administrator and to the association of producers or handlers from whom the milk was received, a record of the utilization of such milk, classified pursuant to section 4.

(2) On or before the 10th day after the end of each delivery period, the quantity, the butterfat test, and butterfat pounds of (a) the receipts of milk at each plant from producers, (b) the receipts of milk and cream at each plant from other handlers, (c) the receipts of milk or cream from sources other than producers and handlers, if any, (d) the receipts at each plant of the milk produced by him, if any, and (e) the utilization of all receipts of milk and cream for the delivery period.

(3) On or before the 10th day after the end of each delivery period, the information requested with respect to producer additions, producer withdrawals, and changes in names of farm operators.

(4) On or before the 10th day after the end of each delivery period, the sale or disposition of milk outside the marketing area pursuant to section 5 (e) as follows: (a) the amount and the utilization of such milk, (b) the butterfat test thereof, (c) the point of use, (d) the plant from which such milk was shipped, and (e) such other information with respect thereto as the market administrator may request.

(5) On or before the 25th day after the end of each delivery period, his producer pay roll, which shall show for each producer (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of payment to such producer made pursuant to section 8, (c) any deductions and charges made by the handler, and (d) such other information with respect thereto as the market administrator may request.

(b) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records, and of the records of any other handler or person upon whose disposition of milk such handler claims classification. Each handler shall keep adequate records of receipts and utilization of milk and shall make available to the market administrator or his representatives during the usual hours of business such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in section 8.

SEC. 4. *Classification of milk*—(a) *Basis of classification.* All milk received by a handler from producers, associations of producers, and other handlers, including milk produced by him, if any, and including milk or cream purchased or received from sources other than producers or handlers, if any, shall be reported by the handler in the classes set forth in paragraph (b) of this section, subject to the following conditions: (1) Milk or skim milk delivered by a handler to another handler shall be classified as Class I milk, and cream so delivered shall be classified as Class II milk: *Provided,* That if a different classification is agreed upon in written reports to the market administrator then the milk, skim milk, and cream shall be classified according to such agreement: *Provided,* That in no event, the amount so reported in any class be greater than the amount used in that class by the receiving handler. (2) Any milk moving from the plant of a handler to the plant of a nonhandler who distributes fluid milk shall be classified as Class I milk and any cream moved to such nonhandler shall be classified as Class II milk, excepting milk and cream in excess of the amount of Class I or Class II milk distributed by such nonhandler. (3) Any milk or cream moving from the plant of a handler to the plant of a nonhandler who does not distribute fluid milk shall be classified according to its use by such nonhandler, subject to verification by the market administrator. (4) Milk that has moved from a plant, which has been determined by the market administrator as not regularly furnishing milk for Class I use and as not receiving milk from producers, to a handler's plant at which milk is received from producers shall be classified in the lowest class for which such handler has milk: *Provided,* That upon satisfactory evidence to the market administrator, that such milk was needed and used in a higher classification, then such milk may be prorated on the basis of such handler's utilization of all milk. (5) Milk received by a handler in the form of cream from a nonhandler shall be prorated to and on the basis of such handler's Class II, Class III, and Class IV milk. (6) Any milk or cream subject to Federal Order 41, as amended, and received by a handler shall be classified as Class I or Class II milk, respectively.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of fluid milk, including bulk milk disposed of to hotels, restaurants, and other retail food establishments, but excluding bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments which do not distribute fluid milk, and all milk not accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk, except skim milk, disposed of in the form of flavored milk and flavored milk drinks, and all milk the butterfat from which is disposed of in the form of sweet or sour cream, cottage cheese, and buttermilk.

(3) Class III milk shall be all milk the butterfat from which is used to produce a milk product other than one of those specified in Class II and Class IV, and all bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments which do not distribute fluid milk.

(4) Class IV milk shall be all milk the butterfat from which is used to produce butter and cheese, except cottage cheese, and all milk accounted for as actual plant shrinkage: *Provided,* That such plant shrinkage shall not exceed 2 percent of the total receipts of milk from producers.

(c) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of milk as required in paragraph (b) of this section, the responsibilities of handlers shall be as follows:

(1) With respect to milk received from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(2) With respect to milk, or skimmed milk, disposed of to another handler, the burden rests upon the handler who received the milk from producers to account for the milk, or skimmed milk, and to prove to the market administrator that such milk, or skimmed milk, should not be classified as Class I milk: *Provided,* That if verification by the market

administrator discloses a higher utilization than that reported pursuant to section 3 (a) (1) for milk purchased by a handler from a cooperative association, the market administrator shall notify the purchasing handler and such handler, within five days after notification by the market administrator, shall make adjustment to such cooperative association on the basis of such higher utilization as verified by the market administrator.

(d) *Computation of milk in each class.* For each delivery period, each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class, as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk (a) received from producers, (b) produced by him, if any, (c) received from other sources, if any, and (e) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers by its average butterfat test, (b) multiply the weight of the milk produced by him, if any, by its average butterfat test, (c) multiply the weight of the milk received from other handlers, if any, by its average butterfat test, (d) multiply the weight of the milk received from other sources, if any, by its average butterfat test, and (e) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (a) convert to quarts the quantity of milk disposed of in the form of milk, except bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments which do not distribute fluid milk, and multiply by 2.15, (b) multiply the result by the average butterfat test of such milk, and (c) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk, Class III milk, and Class IV milk, computed pursuant to subparagraphs (4) (b), (5) (b), and (6) (b) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.5 percent and shall be added to the quantity of milk determined pursuant to (a) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (a) multiply the actual weight of each of the several products of Class II milk by its average butterfat test (b) add together the resulting amounts, and (c) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III as follows: (a) multiply the actual weight of each of the several products of Class III milk by its average butterfat test, (b) add together the resulting amounts, and (c) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(6) Determine the total pounds of milk in Class IV as follows: (a) multiply the actual weight of each of the several products of Class IV milk by its average butterfat test, (b) add together the resulting amounts, (c) subtract the total pounds of butterfat in Class I milk, Class II milk, and Class III milk, computed pursuant to subparagraphs (3) (b), (4) (b), and (5) (b) of this paragraph, and the total pounds of butterfat computed pursuant to (b) of this subparagraph, from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purpose of this paragraph (but in no event shall such plant shrinkage allowance exceed 2 percent of the total receipts of butterfat from producers by the handler) and shall be added to the result obtained in (b) of this subparagraph, and (d) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(7) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the total pounds of which were received from other handlers and used in such class, as provided for in section 4 (a).

(ii) Subtract from the total pounds of milk in each class the total pounds of milk which were received from sources other than producers and handlers and used in such class, as provided for in section 4 (a).

(iii) Subtract pro rata out of the remaining milk in each class the quantity of milk received from the handler's own farm.

(iv) Except as set forth in paragraph (e) of this section, the result shall be known as the "net pooled milk" in each class.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* (1) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in each class.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in each class.

SEC. 5. *Minimum prices*—(a) *Class prices.* (1) Except as set forth in paragraph (e) of this section and subject to the differentials set forth in paragraphs (c) and (d) of this section, each handler shall pay, at the time and in the manner set forth in section 8, for milk purchased or received by such handler at any plant located not more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago, Illinois, not less than the prices set forth in this paragraph. Any handler who purchases or receives, during any delivery period, milk from a cooperative association which is also a handler shall, on or before the 15th day after the end of the delivery period, pay such cooperative association in full for such milk at not less than the minimum class prices, with appropriate differentials, applicable pursuant to this section.

(2) Class I milk—The price per hundredweight for Class I milk during each delivery period, except the delivery periods of May and June, shall be the price determined pursuant to paragraph (b) of this section, plus 70 cents; and during the delivery periods of May and June the price per hundredweight for Class I milk shall be the price determined pursuant to paragraph (b), plus 50 cents: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.20 per hundredweight.

(3) Class II milk—The price per hundredweight for Class II milk during each delivery period, except the delivery periods of May and June, shall be the price determined pursuant to paragraph (b) of this section, plus 32 cents; and during the delivery periods of May and June the price per hundredweight for Class II milk shall be the price determined pursuant to paragraph (b) of this section, plus 20 cents.

(4) Class III milk—The price per hundredweight for milk containing 3.5 percent butterfat during each delivery period shall be the average, computed by the market administrator, of prices, as reported to the United States Department of Agriculture, paid during such delivery period to farmers at each of the places or evaporated milk plants where milk is purchased or received for evaporating purposes listed in this subparagraph and for which prices are reported, but in no event shall such price be less than the price computed pursuant to the formula set forth in paragraph (b) of this section.

Location of Evaporated Milk Plants

Mt. Pleasant, Mich.
Sparta, Mich.
Hudson, Mich.
Wayland, Mich.
Coopersville, Mich.
Greenville, Wis.
Black Creek, Wis.
Ofordville, Wis.
Chilton, Wis.
Berlin, Wis.
Richland Center, Wis.
Oconomowoc, Wis.
Jefferson, Wis.
New Glarus, Wis.
Belleville, Wis.
New London, Wis.
Manitowoc, Wis.
West Bend, Wis.

(5) Class IV milk—Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago mar-

ket, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 20 percent: *Provided*, That such price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound, or (2) subtract 3½ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for a Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim for human consumption, delivered at Chicago, shall be used. In the latter event the Class IV price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound, or (2) subtract 3½ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 7½ cents per pound.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices, set forth in this section, per hundredweight of milk shall be the price for Class III milk, determined pursuant to subparagraph (4) of paragraph (a) of this section, or that derived from the following formula, whichever is higher:

(1) Multiply the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture by six (6).

(2) Add 2.4 times the average weekly prevailing price per pound of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this paragraph.

(3) Divide by seven (7), the sum so determined being hereafter referred to in this paragraph as the "combined butter and cheese value."

(4) To the combined butter and cheese value add 30 percent thereof.

(5) Multiply the sum computed in subparagraph (4) above by 3.5.

(c) *Butterfat differential to handlers.* If any handler has purchased or received milk from producers containing more or less than 3.5 percent butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent butterfat above or below 3.5 percent, an amount computed as follows: to the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent and divide the result obtained by 10.

(d) *Location adjustments to handlers.* (1) With respect to milk purchased or received from producers at a plant located more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago, Illinois, which is classified as Class I milk or Class II milk, there shall be deducted 2 cents per hundredweight and ¼ cent per hundredweight, respectively, for each additional 15 miles or part thereof that such plant is located in excess of 70 miles from the City Hall in Chicago, Illinois: *Provided*, That no such deduction shall apply to unaccounted for milk classified as Class I milk pursuant to section 4 (d) (3) and such milk shall be considered to have been received at the most distant plant at which the handler received milk from producers: *Provided*, That if any handler can prove to the market administrator that the l. c. l. freight rate, approved by the Interstate Commerce Commission, or the State authorities having the power to fix intrastate rail rates, for the movement of cream in 40-quart cans from the shipping point for the plant where such milk is received from producers to the marketing area is greater than ¼ cent per hundredweight of milk, such actual freight rate shall be allowed such handler on Class II milk, but in no case shall such rate exceed ½ cent per hundredweight of milk. There shall be no location adjustment to handlers with respect to Class III milk or Class IV milk.

(2) For purposes of this paragraph, Class I milk shall be considered to be that milk purchased or received from producers at plants located nearest to the marketing area from which whole milk is shipped to the marketing area: *Provided*, That when actual shipments of milk by any handler from two or more plants located in different zones are shown to be in excess of such handler's Class I milk, the location adjustments on Class I milk, as provided in this section shall be applied to such milk, up to and including 110 percent of such handler's Class I milk. Class II milk shall be considered to be that milk purchased or received from producers at plants located nearest to the marketing area; after accounting for Class I milk, from which whole milk or cream is shipped to the marketing area: *Provided*, That upon proof satisfactory to the market administrator that Class II milk was received from producers at a more distant plant, location adjustment shall be allowed from the plant at which such Class II milk was received from producers.

(e) *Sales outside the marketing area.* (1) The price to be paid by a handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section and except as provided in subparagraph (2) of this paragraph, shall be the price, as ascertained by the market administrator, which is being paid for milk of equivalent use in the market where such milk is disposed of: *Provided*, That in the event such Class I milk is disposed of outside the 70-mile zone, such Class I price as ascertained by the market administrator shall be subject to a transportation adjustment of 2 cents per hundredweight of such milk for every 15 miles or fraction thereof up to and including 105 miles and thereafter 1 cent for every 10 miles or fraction thereof from the shipping point for the plant where such milk is received from producers to the market where such milk is utilized as Class I milk: *Provided further*, That such Class I price as ascertained by the market administrator, less the adjustment for transportation, shall not be lower than the Class I price f. o. b. 70-mile zone as set forth in section 5 (a) (2), minus 20 cents.

(2) The price to be paid by a handler for Class I milk disposed of outside the marketing area for which no price can be ascertained on the basis provided for in paragraph (1) of this paragraph, and for Class I milk disposed of to Government institutions and establishments on a basis of bids, shall be the price for Class I milk set forth in section 5 (a) (2) applicable for the plant at which such milk is received from producers, which price shall not be subject to adjustment for transportation as provided in subparagraph (1) of this paragraph.

SEC. 6. *Application of provisions*—(a) *Handlers who are also producers.* (1) No provision hereof shall apply to a handler who is also a producer and who purchases or receives no milk from producers or an association of producers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(2) In computing the value of milk for any handler pursuant hereto, the market administrator shall consider any milk or cream received in bulk by such handler from a handler who is also a producer as described in this section as a receipt from a producer.

(b) *Payment for milk received from sources determined as other than producers or other handlers, or from plants described in the proviso of Section 1 (a) (3).* If any handler has received milk from sources determined by the market administrator to be other than producers or handlers, or from a plant described in the proviso of Section 1 (a) (3), the difference between the value of such milk, according to its use as Class I or Class II milk, as computed pursuant to Section 7 (a), and its value at the Class III price shall be paid to producers: *Provided*, That if such handler proves to the satisfaction

of the market administrator that he paid more than the Class III price for such milk, the market administrator may use the price paid instead of the Class III price in making this computation. If such milk has been used as Class III or Class IV milk, no price adjustment shall be made.

(c) *Payment for excess milk or butterfat.* In the event that a handler, after subtracting receipts from his own production, receipts from other handlers, and receipts from sources determined as other than producers or other handlers, has disposed of milk and/or butterfat in excess of the milk and/or butterfat which has been credited to his producers as having been delivered by them, the value of such milk and/or of the milk equivalent of such butterfat in accordance with its utilization shall be added to such handler's obligations to producers pursuant to Section 7 in the computation of the uniform price for the next subsequent delivery period.

SEC. 7. *Determination of minimum prices to be paid to producers*—(a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute the value of all milk received by each handler from producers by (i) multiplying the total quantity of such milk in each class as determined pursuant to section 4 by the class price with the appropriate differential applicable pursuant to section 5 (c), (ii) adding together the resulting values of each class, and (iii) adding any amount computed to be paid pursuant to section 6.

(b) *Computation of uniform price for each handler.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received at such handler's plant, as follows:

(1) Add to the value computed pursuant to paragraph (a) of this section the total amount of the location adjustments applicable pursuant to section 8 (c).

(2) Deduct, if the average butterfat content of all milk received from producers is in excess of 3.5 percent, or add, if the average butterfat content of all milk received from producers is less than 3.5 percent, the total value of the butterfat differential applicable pursuant to section 8 (b).

(3) Add or subtract the moneys resulting from the fractional cents used in adjusting previous month's price to the nearest cent.

(4) Divide by the hundredweight of milk received from producers.

(5) Adjust the resulting price to the nearest cent.

SEC. 8. *Payment for milk*—(a) *Time and method of payment.* On or before the 18th day after the end of each delivery period each handler shall pay each producer, for milk purchased or received during the delivery period, an amount of money representing not less than the total value of such milk, at the uniform price per hundredweight, computed pursuant to section 7 (b) and subject to the location adjustments and butterfat differential set forth in this section.

(b) *Butterfat differential to producers.* The uniform price paid to producers shall be plus or minus, as the case may be, 4 cents per hundredweight for each one-tenth of 1 percent that the average butterfat content of milk delivered by any producer during any delivery period is above or below 3.5 percent.

(c) *Location adjustments to producers.* In making payments to producers pursuant to paragraph (a) of this section, handlers shall deduct with respect to all milk purchased or received from producers at a plant located more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago, Illinois, the amount specified as follows:

	Cents per hundredweight
Within 71 to 85 miles	2
Within 85.1 to 100 miles	4
Within 100.1 to 115 miles	6
Within 115.1 to 130 miles	8
Within 130.1 to 145 miles	10
Within 145.1 to 160 miles	12
Within 160.1 to 175 miles	14

For each 15 miles or part thereof beyond 175 miles from the City Hall in Chicago, Illinois, an additional ½ cent per hundredweight.

SEC. 9. *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof each handler, except those handlers exempt from the provisions hereof as set forth in section 6 (a), shall pay to the market administrator, on or before the 18th day after the end of each delivery period, a sum not exceeding 2 cents per hundredweight with respect to all milk purchased or received by him during such delivery period from producers, or produced by him, the exact sum to be determined by the market administrator: *Provided,* That each handler which is a cooperative association shall pay such prorata share of expense of administration only on that milk of producers actually received at a plant of such cooperative association, or caused to be delivered by such cooperative association to a plant from which no milk or cream is disposed of in the marketing area.

SEC. 10. *Marketing services*—(a) *Marketing service deduction.* In making payments to producers pursuant to section 8, each handler, with respect to all milk received from each producer during each delivery period, at a plant not operated by a cooperative association of which such producer is a member, shall, except as set forth in paragraph (b) of this section, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 18th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk received from, such producers.

(b) *Marketing service deductions with respect to members of a producers' cooperative association.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from payments made pursuant to section 8 as may be authorized by such producers, and pay over on or before the 18th day after the end of each delivery period such deductions to the association rendering such service of which such producers are members.

SEC. 11. *Effective time, suspension, or termination of order*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary, execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such

person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE COOK-DU PAGE COUNTIES MARKETING AREA PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE

This proposed marketing agreement is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

Whereas, the parties hereto, in order to effectuate the declared policy of the said act, desire to enter into this marketing agreement.

Now, therefore, the parties hereto agree as follows:

1. The terms and provisions of section 1 through section 11 of Order No. ____, Regulating the Handling of Milk in the Cook-DuPage Counties Marketing Area, issued _____, 1942, shall be the terms and provisions of section 1 through section 11 of the marketing agreement with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement in addition to sections 1 through 11 of said order:

SEC. 12. *Liability*—(a) *Handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

SEC. 13. *Counterparts and additional parties*—(a) *Counterparts.* This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

(b) *Additional parties.* After this agreement first takes effect, any handler may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

SEC. 14. *Authorization to correct typographical errors and record of milk handled during the month of* _____—(a) *Authorization to correct typographical errors.* The undersigned hereby authorizes the Chief, Dairy and Poultry Branch, Agricultural Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement.

(b) *Record of milk handled during the month of* _____. The undersigned certifies that he handled during the month of _____, _____ hundredweight of milk covered by this agreement and disposed of within the marketing area.

SEC. 15. *Signature of parties.* In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, heve hereunto set their respective hands and seals.

[F. R. Doc. 42-3967; Filed, May 2, 1942; 11:41 a. m.]

DETERMINATION, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 2 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE SIOUX CITY, IOWA, MARKETING AREA [1]

Pursuant to the powers conferred upon the Secretary of Agriculture of the United States by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), there was issued on April 3, 1940, effective April 16, 1940, Order No. 48, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area. This order was amended effective October 2, 1941.

A marketing agreement, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area was tentatively approved on September 6, 1941.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in Sioux City, Iowa, on February 26, 1942, on proposals to amend the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area, at which time and place all interested parties were afforded an opportunity to be heard upon such proposals.

After such hearing, and after the tentative approval, on April 23, 1942, of a marketing agreement, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area, handlers of more than 50 percent of the volume of milk covered by said order, as amended, which is marketed within the Sioux City, Iowa, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

Pursuant to the powers conferred upon the Secretary of Agriculture by the above-mentioned act, it is hereby determined:

(1) That the refusal or failure of said handlers to sign such tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) That the issuance of the proposed amendment No. 2 to said Order No. 48, as amended, is the only practical means, pursuant to such policy, of advancing the interests of the producers of milk which is produced for sale in said area; and

(3) That the issuance of the proposed amendment No. 2 to said Order No. 48, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary, and who, during the month of February, 1942, said month having been determined to be a representative period, were engaged in the production of milk for sale in said area.

Issued at Washington, D. C., on this 27th day of April 1942. Witness my hand and the Seal of the United States Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Dated: April 28, 1942.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States.

[F. R. Doc. 42-3966; Filed, May 2, 1942; 11:40 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CLOSING DATE FOR SUBMISSION OF WRITTEN BRIEFS IN THE MATTER OF THE MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 42 FOR THE GRAIN PRODUCTS INDUSTRY

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office, 165 West 46th Street, New York, New York, from persons who appeared April 20, 1942, at the hearing on the minimum wage recommendation of Industry Committee No. 42 for the Grain Products Industry, written briefs bearing on the issues which are before him in this matter, provided that at least twelve copies of each such brief shall be submitted to him before 4:30 p. m., Wednesday, June 17, 1942.

Signed at New York, N. Y., this 30th day of April 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-4000; Filed, May 4, 1942; 10:56 a. m.]

[1] See also Title 7, this issue.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective May 4, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Athol Paper Box Company, Main Street, Athol, Massachusetts; Set-up paper boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; November 4, 1942.

Bell Box Company, Inc., 132 S. Dakota Avenue, Sioux Falls, S. D.; Set-up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; November 4, 1942.

Berks Box Company, 44 Pearl Street, Shillington, Pennsylvania; Set-up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; November 4, 1942.

Bristol Paper Box Company, Inc., 1305 N. State Street, Bristol, Virginia; Set-up paper boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; November 4, 1942.

Convenience, Inc., 200 River Street, Greenville, South Carolina; Surgical Dressings; 153 learners; 240 hours for any one learner; 37½ cents per hour; Machine Operating; June 30, 1942. (This certificate effective 4–30–42.)

Florida Paper Box Company, Inc., 246 N. W. 29th Street, Miami, Florida; Set-up paper boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, slitting, and scoring; November 4, 1942.

Pell Paper Box Company, Inc., Water Street, Elizabeth City, N. C.; Set-up paper boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; November 4, 1942.

The Randolph Paper Box Company, 1313 E. Grace Street, Richmond, Virginia; Set-up Paper Boxes; 10 percent; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring, and slitting; November 4, 1942.

Tropical Paper Box Company, 350 Douglas Road, Coral Gables, Florida; Set-up converted paper boxes; 10 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; November 4, 1942.

J. F. Wieder and Son, Macungie, Pennsylvania; Set-up paper boxes; 1 learner; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; November 4, 1942.

Signed at New York, N. Y., this 2d day of May 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–4001; Filed, May 4, 1942; 10:56 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective May 4, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Alfred A. Baker and Company, Inc., 210 Franklin Street, Buffalo, New York; Men's Neckwear; 2 learners (T); May 4, 1943.

Marks and Sons, A., 700–710 W. Jackson Boulevard, Chicago, Illinois; Men's Coat Fronts, etc.; 5 learners (T); May 4, 1943.

Reliance Manufacturing Company, Banner Plant, 810 Chicago Street, Michigan City, Indiana; Underwear; 5 percent (T); May 4, 1943.

Frank Rubinowitz Manufacturing Co., Inc., 900 Passaic Avenue, East Newark, New Jersey; Bathrobes; 3 learners (T); May 4, 1943.

I. Taitel and Son, Cherry Street, Scottsburg, Indiana; Corduroy Coats and Jackets; 5 learners (T); May 4, 1943.

Irvin U. Yoder, Reinerton, Pennsylvania; Men's Shorts; 5 learners (T); May 4, 1943.

Single Pants, Shirts and Allied Garments and Women's Apparel Industries

A & C Sportswear, 36 S. Main Street, Lambertville, New Jersey; Sportswear; 10 percent (T); May 4, 1943.

Ace Shirt Company, 37 Broome Street, New York, N. Y.; Men's Dress Shirts; 10 learners (T); November 4, 1942.

Active Blouse Corporation, 1 Grove Street, Mt. Vernon, New York; Ladies' Blouses; 5 learners (T); May 4, 1943.

Allied Manufacturing Company, Inc., 323 S. Main Street, Stillwater, Minnesota; Overalls, Coveralls, Jackets, Work Pants; 10 learners (T); May 4, 1943.

B & B Manufacturing Company, Inc., E. Clinton Street, Newton, New Jersey; Wash Frocks; 10 learners (E); November 4, 1942.

Barmon Brothers Company, Inc., 937 Broadway, Buffalo, New York; Women's Wash Dresses and Smocks; 10 percent (T); May 4, 1943.

Clara Bishop Inc., 7 West 36th Street, New York, N. Y.; Corsets and Brassieres; 4 learners (T); November 4, 1942.

A. Bono, 418 Hudson Street, Trenton, New Jersey; Dresses; 4 learners (T); May 4, 1943.

Charm Undergarment Company, 138 Broadway, Brooklyn, New York; Ladies' Slips; 10 learners (E); November 4, 1942.

Cornbleet Brothers, McLeansboro, Illinois; Wash Dresses, Play Clothes; 10 percent (T); May 4, 1943.

Duluth Linen Company, 302 Lake Avenue, South, Duluth, Minnesota; Dresses, Hotel and Hospital Uniforms; 3 learners (T); May 4, 1943.

Form Fashion, Inc., 325 West Adams Street, Chicago, Illinois; Ladies' Blouses and Slack Suits; 5 learners (T); May 4, 1943.

Freeland Manufacturing Company, 156 Ridge Street, Freeland, Pennsylvania; Work Clothing; 10 percent (T); May 4, 1943.

Gay Belle Manufacturing Company, Inc., 16 East 17th Street, New York, New York; Ladies' Aprons; 2 learners (T); November 4, 1942.

General Garment Co., 335 Market Street, Philadelphia, Pennsylvania; Overalls and Work Clothes; 3 learners (T); May 4, 1943.

General Garment Manufacturing Co., Inc., 308 Canal Street, Petersburg, Virginia; Cotton Work Shirts; 5 percent (T); May 4, 1943.

Holly-Cal Sportswear, 421 West 11th Street, Los Angeles, California; Men's Pants, Shirts, Jackets; 10 percent (T); May 4, 1943. (This certificate replaces the one bearing the expiration date of November 17, 1942.)

Kahhan Brothers, 1228 Cherry Street, Philadelphia, Pennsylvania; Pants; 5 learners (T); May 4, 1943.

Marguerite Keyes, Inc., 905 Broadway, Kansas City, Missouri; Classic Dresses and Sportswear; 10 learners (T); May 4, 1943.

Lee Manufacturing Company, Inc., 5902 St. Vincent Street, Shreveport, Louisiana; Cotton Wool Trousers, Cotton Jackets, Shirts; 75 learners (E); November 4, 1942.

Lehigh Valley Shirt Company, Inc., 428 Union Street, Allentown, Pennsylvania; Men's Shirts; 10 learners (T); May 4, 1943.

Lenoir Shirt Company, Caswell Street, Kinston, North Carolina; Men's Shirts; 10 percent (T); May 4, 1943. (This certificate replaces one bearing expiration date of October 20, 1942.)

Lin-Dol Dress Company, 226 South 11th Street, Philadelphia, Pennsylvania; Cotton Dresses, 10 learners (T); May 4, 1943. (This certificate replaces the one bearing expiration date of March 23, 1943.)

Liondale Shirt Corporation, 67 State Street, Paterson, New Jersey; Dress Shirts, Sport Shirts, Army Shirts; 10 per cent (T); May 4, 1943.

Mt. Vernon Garment Company, 17th and Perkins, Mt. Vernon, Illinois; Dresses, Slacks, Aprons, Smocks; 150 learners (E); August 17, 1942.

The New Britain Undergarment Company, Inc., 266 Arch Street, New Britain, Connecticut; Ladies' Slips; 10 per cent (T); May 4, 1943. (This certificate replaces the one issued to Berkshire Undergarment Mfg. Corp., bearing the expiration date of October 20, 1942.)

Newport Manufacturing Company, 44 Pennsylvania Avenue, Newport, Pennsylvania; Ladies' Slips; 5 learners (T); May 4, 1943.

Newport Sportwear Manufacturing Company, Inc., 3 West 4th Street, New York, N. Y.; Infants' & Children's Leggings, Snow Suits, Ski Pants; 5 learners (T); November 4, 1942.

The Nite Kraft Corporation, Cor. Race and Third Streets, Sunbury, Pennsylvania; Men's & Boys' Pajamas, & Children's Sleepers; 10 per cent (T); May 4, 1943.

Oswego Undergarment Company, West First Street, Oswego, New York; Ladies' Slips; 5 learners (T); May 4, 1943.

Pal-Mor Manufacturing Company, 521–527 Vine Street, Philadelphia, Pennsylvania; Blouses; 10 per cent (T); May 4, 1942.

Peerless Undergarment Company, 288 Plymouth Avenue, Fall River, Massachusetts; Ladies' Cotton Pajamas and Nightgowns; 10 learners (T); May 4, 1943.

Phillips-Jones Corporation, Geneva, Alabama; Commercial Shirts; 10 per cent (T); May 4, 1943.

Plymouth Sportswear Company, 289 Pleasant Street, Fall River, Massachusetts; Children's & Women's Sportswear; 10 learners (T); May 4, 1943.

Joseph Rosenberg Company, 46 Garuey Street, Everett, Massachusetts; Misses' Sportswear; 10 learners (T); May 4, 1943.

The Sheffield Mills, 580 Broadway, New York, N. Y.; Ladies' Underwear; 10 percent (T); November 4, 1942.

Snower Manufacturing Company, 1823 Baltimore Avenue, Kansas City, Missouri; Washable Service Apparel; 10 percent (T); May 4, 1943.

Tree-O Sportswear, 332 South Broadway, Los Angeles, California; Slack Suits; 3 learners (T); April 30, 1943. (This certificate effective April 30, 1942.)

Strauber Brothers, 483 Broadway, New York, N. Y.; Ladies' Cotton Slips, Children's Cotton and Rayon Slips and Pajamas; 10 learners (T); November 4, 1942.

Union Manufacturing Company, 901 E. Missouri Street, El Paso, Texas; Men's Cotton Pants, and Shirts; 37 learners (E); November 4, 1942.

Union Manufacturing Company, 1101 Hampshire, Quincy, Illinois; Men's Work Clothes; 3 learners (T); May 4, 1943.

White Swan Uniforms, Inc., Saugerties, New York; Nurses' & Maids' Cotton and Rayon Uniforms; 10 learners (T); May 4, 1943.

Williamstown Garment Company, Library Street, Williamstown, New Jersey; Ladies' Dresses; 3 learners (T); May 4, 1943.

Woolrich Woolen Mills, Avis, Pennsylvania; Shirts, Single Pants, Coats; 10 learners (T); May 4, 1943.

Gloves

Hansen Glove Corporation, 539 W. Wright Street, Milwaukee, Wisconsin; Leather Dress Gloves and Knit Fabric Gloves; 10 percent (T); May 4, 1943.

Hosiery

Holeproof Hosiery Company, Roselane Street, Marietta, Georgia; Seamless Hosiery; 100 learners (E); November 4, 1942.

K. W. Knitting Mills, 34 W. Wyomissing Avenue, Mohnton, Pennsylvania; Seamless Hosiery; 5 percent (T); May 4, 1943.

Textile

The Blue Ridge Cord Company, Locust Street, Hendersonville, North Carolina; Small Braided Cords; 3 learners (T); May 4, 1943.

Quality Fabrics Company, 540 S. Cherry Street, Myerstown, Pennsylvania; Men's Rayon Coat Linings; 3 learners (T); May 4, 1943.

Santee Mills #2, Main Street, Bamberg, South Carolina; Cotton Sheetings; 18 learners (E); August 31, 1942.

Springs Cotton Mills, Lancaster Plant, Lancaster, South Carolina; Cotton Fabrics; 45 learners (T); May 4, 1943.

Signed at New York, N. Y., this 2d day of May 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-4002; Filed, May 4, 1942; 10:56 a. m.]

OFFICE OF PRICE ADMINISTRATION.

ACTION OF THE PRICE ADMINISTRATOR APPROVING FORM A, ANNUAL FINANCIAL REPORT, AND FORM B, INTERIM FINANCIAL REPORT

ADMINISTRATIVE NOTICE NO. 2

Whereas in order to assist the Administrator in prescribing maximum price regulations and orders under the Emergency Price Control Act of 1942 (Pub. Law 421, 77th Cong.) and to assist him in the administration and enforcement of said Act and the regulations, orders, and price schedules heretofore issued thereunder, it is necessary and proper to obtain periodically certain financial information, with respect to representative companies engaged in manufacturing, construction, mining and quarrying, and wholesale and retail trades.

Now, therefore, by virtue of the authority conferred by section 201 (d) and section 202 (a) of said Act, it is hereby determined that such financial information be obtained periodically, and that Form A, Annual Financial Report, and Form B, Interim Financial Report, consisting of forms and instructions for filing annual and interim financial information with the Office of Price Administration, be and the same are hereby approved and prescribed as appropriate for obtaining such financial information.

Issued this 30th day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3945; Filed, May 1, 1942; 5:05 p. m.]

ORDER NO. 3 UNDER REVISED PRICE SCHEDULE NO. 6 [1]—IRON AND STEEL PRODUCTS

SOUTH CHESTER TUBE CO.

On April 3, 1942, the South Chester Tube Company, Chester, Pennsylvania, filed a petition for an exception to Re-

[1] 7 F.R. 1215.

vised Price Schedule No. 6, as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition, and an opinion in support of this Order No. 3 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

Order granting exception to South Chester Tube Company. (a) That the South Chester Tube Company, Chester, Pennsylvania, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, all types of steel pipe and tubing as set forth in paragraph (b) at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, pipe and tubing at such prices from the South Chester Tube Company.

(b) All iron or steel pipe and tubing sold by the South Chester Tube Company may be priced at Pittsburgh basing point base prices, as otherwise established in Revised Price Schedule No. 6, provided that freight may be charged from Chester, Pennsylvania on pipe shipped to the Gulf Coast and the Pacific Coast when all rail shipments are necessary, and on pipe shipped to points of consumption lying west of a line drawn north and south through Harrisburg, Pennsylvania.

(c) The permission herein granted to South Chester Tube Company is subject to the condition that a monthly report be filed with the Office of Price Administration stating the amount of shipments which have been made on an f. o. b. Chester basis as compared with the total monthly shipments made by the South Chester Tube Company. Said report shall also include the name and address of the purchaser and a description of the priority rating, allocation, or other order identifying the sales made on an f. o. b. Chester basis.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(f) The definition set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

This Order No. 3 shall become effective May 2, 1942.

Issued this 1st day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3974; Filed, May 2, 1942; 12:37 p. m.]

ORDER NO. 4 UNDER REVISED PRICE SCHEDULE NO. 6 [1]—IRON AND STEEL PRODUCTS

SHEFFIELD STEEL CORPORATION

On April 8, 1942, the Sheffield Steel Corporation, Kansas City, Missouri, filed a petition for an exception to Revised Price Schedule No. 6 as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition, and an opinion in support of this Order No. 4 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

Order granting partial exception to Sheffield Steel Corporation. (a) The Sheffield Steel Corporation may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, iron and steel products as set forth in paragraph (b) of this section at prices not in excess of those stated therein, for sale to the Lend-Lease Administration.

(b) The maximum price which may be charged by the Sheffield Steel Corporation on sales of iron and steel products for the account of the Lend-Lease Administration, when such sales are made to the Eastern Seaboard, shall be maximum Chicago basing point base prices as otherwise established in Revised Price Schedule No. 6, f. o. b. Kansas City, Missouri.

(c) The permission granted to the Sheffield Steel Corporation in this Order No. 4 is subject to the condition that a monthly statement be filed with the Office of Price Administration setting forth the quantity and a brief description of all shipments made pursuant to the terms of this order.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(f) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

This Order No. 4 shall become effective May 2, 1942.

Issued this 1st day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3975; Filed, May 2, 1942; 12:36 p. m.]

[Docket No. 3006-11]

ORDER NO. 5 UNDER REVISED PRICE SCHEDULE NO. 6 [1]—IRON AND STEEL PRODUCTS

COLORADO FUEL AND IRON CORP.

On April 17, 1942, The Colorado Fuel and Iron Corporation, Denver, Colorado, filed a petition for an exception to Revised Price Schedule No. 6 as amended pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition, and an opinion in support of this Order No. 5 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

Order granting exception to The Colorado Fuel and Iron Corporation. (a) That the Colorado Fuel and Iron Corporation, Denver, Colorado, may sell and deliver, and the Lend-Lease Administration and the Treasury Department, Procurement Division for the account of the Lend-Lease Administration may buy and receive iron and steel products as described in paragraph herein (b) at a price not in excess of the price stated therein.

(b) Approximately 300 gross tons, galvanized steel fencing wire, identified by Contract DA-TPS-6326 may be sold at maximum basing point prices at Chicago, Illinois, as established by Revised Price Schedule No. 6, f. o. b. Minnequa, Colorado.

(c) Copies of invoices covering the delivery of the wire described herein, shall be filed with the Office of Price Administration not later than ten days after any delivery in whole or in part of the said wire.

(d) This Order No. 5 may be revoked or amended by the Price Administrator at any time.

(e) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

This Order No. 5 shall become effective May 2, 1942.

Issued this 1st day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3976; Filed, May 2, 1942; 12:35 p. m.]

ORDER NO. 1—UNDER REVISED PRICE SCHEDULE NO. 64 [3]—DOMESTIC COOKING AND HEATING STOVES

APPROVAL OF MAXIMUM PRICES OF THE KNOX STOVE WORKS

On April 9, 1942, Knox Stove Company of Knoxville, Tennessee, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of the maximum price for a new model of coal-burning stove, designated in said application as Model K-918, Knox Smokeless Magazine Heater. Due consideration has been given to the application setting out the specifications of the new model, and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) The Knox Stove Works may sell, offer to sell, deliver or transfer Model No. K-918, Knox Smokeless Magazine Heater at a maximum price of $48.20 f. o. b. factory, subject to the same terms, conditions of sale, discounts and allow-

[1] 7 F.R. 1215.
[2] 7 F.R. 971.
[2] 7 F.R. 971.
[3] 7 F.R. 1329, 1836, 2132.

ances which are available with respect to Model 820–TT Twin Temp. Circulating Heater in accordance with Revised Price Schedule No. 64.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth in § 1356.11 of Revised Price Schedule No. 64 shall apply to the terms used herein.

This Order No. 1 shall become effective May 5, 1942.

Issued this 4th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–4007; Filed, May 4, 1942; 11:38 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59–25; 54–33]

IN THE MATTER OF THE UNITED CORPORATION

NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of April 1942.

The Commission having, on July 28, 1941, issued its Notice of and Order for Hearing under sections 11 (b) (1), 11 (b) (2) and 11 (e) of the Public Utility Holding Company Act of 1935 with respect to The United Corporation; and hearings having been held from time to time before a Trial Examiner for the purpose of taking evidence on the issues raised under sections 11 (e) and 11 (b) (2) in accordance with the Commission's Opinion and Order of November 3, 1941; and

Said hearings having been continued for the purpose of enabling counsel to prepare and consider exhibits proposed to be offered in evidence; and

The Commission being advised that counsel are ready to proceed, and deeming it appropriate that the hearings be reconvened for the purpose of completing the taking of evidence with respect to the issues involved under sections 11 (e) and 11 (b) (2) of the Act;

It is ordered, That the hearings in the above-entitled proceedings be reconvened on May 12, 1942 at 10:00 A. M. in Room 318 of the offices of the Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

Notice of such hearing is hereby given to the Respondent and to all other persons whose participation in such proceedings may be in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–3935; Filed, May 1, 1942; 3:20 p. m.]

[File No. 70–523]

IN THE MATTER OF BRADDOCK LIGHT & POWER COMPANY, INC., AND WASHINGTON RAILWAY AND ELECTRIC COMPANY

ORDER APPROVING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of April A. D. 1942.

Braddock Light & Power Company, Incorporated, a wholly owned subsidiary of The Washington and Rockville Railway Company, a registered holding company which is a wholly owned subsidiary of Washington Railway and Electric Company, a registered holding company which is a subsidiary of The North American Company, and Washington Railway and Electric Company having filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 10 thereof and Rule U-43 promulgated thereunder regarding (1) the proposal of Braddock Light & Power Company, Incorporated, to issue and sell to Washington Railway and Electric Company for cash 50,000 shares of its capital stock having a stated value of $10 per share at a price of $10 per share and to use the proceeds therefrom (a) to pay an indebtedness due an affiliate and incurred for capital expenditures heretofore made in the amount (as at February 28, 1942) of $41,327.54 and (b) to pay for anticipated construction expenditures during 1942 and 1943; and (2) the proposal of Washington Railway and Electric Company to acquire the above described capital stock for cash at the aforesaid price; and

Said application and declarations having been filed on March 31, 1942, and amendments thereto having been filed on April 13 and 27, 1942, respectively, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said application and declarations within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to approve said application, as amended, and to permit said declarations, as amended, to become effective, subject to compliance with the conditions imposed by Rule U-24 and finding with respect thereto that the exemption requested pursuant to section 6 (b) of said Act should be granted; that no adverse findings are necessary under sections 10 (b), 10 (c) (1) and 10 (f) and that the transactions involved have the tendency required by section 10 (c) (2) thereof; and that the provisions of Rule U-43 have been complied with;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act that said application, as amended, be approved and that said declarations, as amended, be permitted to become effective forthwith, subject, however, to the terms and conditions imposed by Rule U-24.

By the Commission (Commissioner Healy dissents for reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–3936; Filed, May 1, 1942; 3:20 p. m.]

[File No. 70–525]

IN THE MATTER OF THE EASTERN SHORE PUBLIC SERVICE COMPANY OF MARYLAND, THE DELMARVA POWER COMPANY, AND EASTERN SHORE PUBLIC SERVICE COMPANY (DEL.)

ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 2d day of May, A. D. 1942.

A declaration or application (or both) having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Eastern Shore Public Service Company of Maryland, The Delmarva Power Company, and Eastern Shore Public Service Company (Delaware), and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act, and

Said declaration or application concerning the following:

Eastern Shore Public Service Company of Maryland proposes to acquire all of the assets and assume all of the current obligations of Delmarva Power Company. The sole assets of Delmarva Power Company consist of cash, receivables, inventories and a 19,500 K. W. steam electric generating station located at Vienna, Maryland. The liabilities of Delmarva Power Company are of a current nature and approximate $60,000.

Eastern Shore Public Service Company of Maryland further proposes to issue $1,750,000 in aggregate principal amount of First Mortgage Bonds, 4% Series, due 1969, and 4,500 shares of Common Stock, par value $100 per share. Said bonds and stock will be issued to Eastern Shore Public Service Company (Delaware) in exchange for all of the outstanding securities of Delmarva Power Company consisting of $1,750,000 principal amount of First Mortgage Bonds, 4% Series, due 1969 and 18,000 shares of Common Stock, stated value $25 per share. All of the securities of Delmarva Power Company are presently owned by Eastern Shore Public Service Company (Delaware), a registered holding company, and the parent of Delmarva Power Company and Eastern Shore Public Service Company of Maryland.

The application-declaration states that the proposed merger is a step in a program looking toward the merger or con-

solidation of Eastern Shore Public Service Company (Delaware) and its Maryland subsidiaries into a single corporation.

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application (or both) and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on May 12, 1942 at 10 A. M. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application particular attention will be directed at said hearing to the following matters and questions:

1. Whether the securities to be issued by The Eastern Shore Public Service Company of Maryland are reasonably adapted to the security structure of the declarant and other companies in the same holding company system;

2. Whether the accounting entries to be made in connection with any or all of such proposed transactions comply with the requirements of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder;

3. Whether the terms and conditions of any or all of the proposed transactions are detrimental to the public interest or the interest of investors or consumers;

4. Whether terms and conditions are necessary to be imposed to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder;

5. Generally, whether all actions proposed to be taken comply with the requirements of such Act and rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3986; Filed, May 4, 1942; 10:30 a. m.]

[File No. 70-533]

IN THE MATTER OF EASTERN SHORE PUBLIC SERVICE COMPANY (DEL.)

ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 2d day of May, A. D. 1942.

A declaration or application (or both) having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Eastern Shore Public Service Company (Del.), and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act; and

Such declaration or application covering the following:

Eastern Shore Public Service Company (Del.) has outstanding at the present time its 2-year 3% note in the principal amount of $1,000,000 due May 20, 1942, payable to The Chase National Bank of the City of New York, and collateralized by $1,100,000 principal amount of its First Mortgage and First Lien Bonds, Series C, 5%, due September 1, 1946. Eastern Shore Public Service Company proposes, on May 20, 1942, to issue and deliver to The Chase National Bank a new 3% note in the principal amount of $1,000,000, due May 20, 1944, secured by the collateral which secured the maturing note, and to use the proceeds received by it, together with such funds of its own as may be required, to pay the principal amount and accrued interest on the maturing note.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to said declaration or application (or both) and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on May 12, 1942, at 10 A. M. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at any such hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application or declaration particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed note should be issued with serial maturities and what provisions, if any, should be made for that purpose;

2. What funds will be available for the repayment of the note and from what sources will such funds be derived;

3. Whether the note proposed to be issued is reasonably adapted to the security structure of the issuer and the holding company system;

4. Whether the note proposed to be issued is reasonably adapted to the earning power of the issuer;

5. Whether the public interest and the interest of investors and consumers require the imposition of terms and conditions in connection with the proposed issuance;

6. Specifically, whether future payments of dividends should be restricted until such time as the proposed note is liquidated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3987; Filed, May 4, 1942; 10:30 a. m.]

[File No. 70-497]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY AND SAFETY ENGINEERING AND MANAGEMENT COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of April 1942.

Consolidated Electric and Gas Company, a registered holding company and a subsidiary of Central Public Utility Corporation, also a registered holding company, and Safety Engineering and Management Company, a wholly-owned nonutility subsidiary of said Consolidated Electric and Gas Company, having jointly filed declarations relating to the proposed liquidation and dissolution of Safety Engineering and Management Company, Consolidated Electric and Gas Company proposing, pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 of the Commission promulgated thereunder, to surrender to Safety Engineering and Management Company for cancellation a 5% promissory note of the latter company in the principal amount of $111,443.16, and 500 shares of No Par Value Common Stock of Safety Engineering and Management Company, and to acquire from such subsidiary, pursuant to Section 10 of said Act all of the assets of said subsidiary, which assets consist of 33 shares of $6 Cumulative Preferred No Par Value Stock of Consolidated Electric and Gas Company and $1,241.13 in cash; Safety Engineering and Management Company, in turn, proposing to acquire from said Consolidated Electric and Gas Company the 5% promissory note above-mentioned, and to retire the same, and, likewise, to

acquire from Consolidated Electric and Gas Company 500 shares of its own No Par Value Common Stock (said note and said stock constituting all of the outstanding securities of said subsidiary company) in accordance with Sections 10 and 12 (c) of said Act and Rule U-42 promulgated thereunder; Consolidated Electric and Gas Company further proposing, pursuant to Section 7 of said Act, to deposit said 33 shares of its own $6 Cumulative Preferred No Par Value Stock and said cash in the amount of $1,241.13 with the Trustee of a certain Collateral Trust Indenture of said Consolidated Electric and Gas Company, dated August 1, 1942, in substitution for the securities of said Safety Engineering and Management Company hereinabove mentioned, which latter securities are presently pledged under said Indenture;

Said declarations having been filed on February 7, 1942, and amendments thereto having been filed on March 26, 1942, and April 15, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations, and each of them, to become effective, and finding that no adverse findings are required in respect of said several proposed transactions under the applicable provisions of said Act and the Rules of the Commission promulgated thereunder, and further finding, in respect of said proposed acquisitions, that such acquisitions have the tendency required by section 10 (c) (2) of said Act;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that said declarations, as amended, and each of them, be, and the same hereby are, permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3988; Filed, May 4, 1942; 10:30 a. m.]

[File No. 43-139]

IN THE MATTER OF OKLAHOMA POWER AND WATER CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 2nd day of May, A. D. 1942.

Notice is hereby given that a supplemental declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Oklahoma Power and Water Co. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transaction therein proposed, which is summarized as follows:

The company, a subsidiary of The Middle West Corporation, a registered holding company, proposes to extend the maturity date from August 1, 1942 to August 1, 1943 of eight 5% unsecured promissory notes aggregating $412,000 in principal amount. Said notes, together with other notes of the company, were the subject of three previous declarations filed in this matter, the first of which, regarding their issue and sale, having been permitted to become effective by order of the Commission dated July 28, 1939; the second and third, regarding extensions of maturity date from August 1, 1940 to August 1, 1941, and from August 1, 1941 to August 1, 1942, respectively, having been permitted to become effective by further orders of the Commission dated June 1, 1940 and May 17, 1941, respectively. The notes by their terms provide that the maturity of each may be extended from August 1, 1941 for two successive one-year periods until August 1, 1943, upon sixty days' prior written notice to the payee, Sand Springs Home, Sand Springs, Oklahoma.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matter, and that said supplemental declaration shall not become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on such matter under the applicable provisions of said Act and rules of the Commission thereunder be held on May 20, 1942 at ten o'clock A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the room designated on said day by the hearing-room clerk in Room 318. At such hearing, cause shall be shown why such supplemental declaration shall become effective. Notice is hereby given of said hearing to the above-named declarant and to all interested persons, said notice to be given to said declarant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said supplemental declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed extension of maturity date will be detrimental to the public interest or the interest of investors or consumers.

2. Whether the said notes as proposed to be extended will be reasonably adapted to (a) the security structure of declarant and other companies in the same holding company system, and (b) the earning power of the declarant.

3. Whether the proposed transaction complies in all respects with the standards and requirements of section 7 of the Act.

4. Whether, in order to assure compliance with the conditions specified in section 7 of the Act, particularly clauses (1), (2), and (6) of paragraph (d) thereof, it is necessary that any order permitting the declaration to become effective contain any terms or conditions, particularly a condition restricting the payment of dividends on the company's stock.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3989; Filed, May 4, 1942; 10:31 a. m.]

[File No. 70-509]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (MINN.), PEOPLES NATURAL GAS COMPANY (DEL.), AND NORTHERN NATURAL GAS COMPANY (DEL.)

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of May 1942.

A joint application and declaration having been filed with this Commission by the above-named parties pursuant to Sections 10 and 12 (d) of the Public Utility Holding Company Act of 1935, and Rule U-44 thereunder, regarding the proposed sale by Peoples Natural Gas Company, a wholly-owned subsidiary of Northern Natural Gas Company which is a registered holding company, and the acquisition by Northern States Power Company, also a registered holding company, of certain gas utility assets for $1.00 in cash; and

The Commission having on April 24, 1942, issued its Notice of and Order for Hearing in the above entitled matter, and said order having set the date for the hearing therein on May 7, 1942; and

The above named parties having requested that such hearing be postponed to May 14, 1942, stating as their reason that their counsel is involved in the trial of another case on May 7, 1942; and

The Commission having considered the request for postponement and being of the opinion that, under the circumstances, it should be granted;

It is therefore ordered, That the hearing in this matter be and hereby is postponed to May 14, 1942, at 10:00 A. M., and that it be convened at that time at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated by the hearing room clerk in Room 318, before the officer of the Commission previously designated herein.

Notice of such postponement is hereby given to the applicants and declarants and to any other person whose participation in such proceeding may be in the

public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3990; Filed, May 4, 1942; 10:31 a. m.]

[File No. 70-537]

In the Matter of CONSOLIDATED ELECTRIC AND GAS COMPANY, COMMONWEALTH PUBLIC SERVICE CORPORATION, LYNCHBURG GAS COMPANY, AND SUFFOLK GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of May, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than May 18, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Consolidated Electric and Gas Company (Consolidated), a registered holding company, proposes to surrender for cancellation, as a contribution to capital, certain notes of its subsidiaries, Commonwealth Public Service Corporation (Commonwealth), Lynchburg Gas Company (Lynchburg) and Suffolk Gas Company (Suffolk). The notes to be acquired for retirement by the respective issuers include a 6% Demand Note of Commonwealth, in the amount of $13,500, a 6% Demand Note and two non-interest bearing Demand Notes of Lynchburg, in the aggregate amount of $82,665 and two 5% Demand Notes of Suffolk, in the aggregate amount of $13,500. The total capital contribution thus proposed to be made by Consolidated to its three subsidiaries is $109,665.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3991; Filed, May 4, 1942; 10:31 a. m.]

[Files No. 59-43 and 54-47]

IN THE MATTERS OF JACKSONVILLE GAS COMPANY, AMERICAN GAS AND POWER COMPANY

ORDER CONTINUING HEARING AND SETTING DATES FOR ARGUMENT AND FOR BRIEFS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of May, A. D. 1942.

The Commission having issued its Notice of Filing and Orders for Hearing and Directing Consolidation in these matters, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935; and

Hearings having been held herein after due notice to all security holders and other persons interested, on April 21, 1942, April 22, 1942 and April 30, 1942; and

Lawrence E. Fleischman, an attorney for certain stockholders and debenture holders of Jacksonville Gas Company, having moved the Commission on April 30, 1942 for a thirty day postponement of the hearing herein; and

The Commission having heard oral argument on said motion; and

The trial examiner having continued the hearing herein until May 12, 1942 at 10 o'clock A. M., E. W. T.; and

Due consideration having been given to the record herein and to the arguments presented before the Commission; and

It appearing to the Commission that said motion should be denied, that the hearings herein should be reconvened on May 9, 1942, for the purpose of receiving whatever evidence may be offered by the parties and persons interested prior to the closing of the record herein, and that the proceedings should be submitted to the Commission for decision on the issues involved herein on or before May 15, 1942;

It is hereby ordered, That said motion be and the same is hereby denied; and

It is further ordered, That the hearings herein be continued to and reconvened on May 9, 1942 at 10 o'clock A. M., E. W. T.; and

It is further ordered, That opportunity shall be given to present oral argument with respect to the issues involved in these proceedings on May 12, 1942 at 2:30 P. M., E. W. T.; and

It is further ordered, That opportunity shall be given to present written briefs with respect to the issues involved in these proceedings on or before May 15, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3992; Filed, May 4, 1942; 10:32 a. m.]

IN THE MATTER OF FRED L. TICHENOR, 527 BANGS AVENUE, ASBURY PARK, NEW JERSEY

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of May, A. D. 1942.

1. Fred L. Tichenor is registered with this Commission as a broker and dealer under section 15 of the Securities Exchange Act of 1934. We instituted this proceeding under section 15 (b) to determine whether his registration as such should be suspended or revoked.

2. The registrant acknowledged receipt and service of adequate notice and consented to the entry of an order by the Commission suspending his registration, pending a final determination of the proceeding. The Commission entered an order to that effect on January 26, 1942.

3. A hearing was held before a trial examiner. The record shows, and we find, that by order of the Chancery Court of the State of New Jersey entered on June 27, 1940, registrant was adjudged guilty of having violated the New Jersey Securities Law in using deception, misrepresentation, and fraud in the sale of securities, and was permanently enjoined from engaging in the purchase or sale of securities. The Court's order also appointed a receiver to take over all assets of the registrant derived from the securities transactions found to be illegal.

4. We find that revocation of registrant's registration as a broker and dealer is in the public interest.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Fred L. Tichenor as a broker and dealer be, and it hereby is, revoked.

By the Commission (Chairman Purcell and Commissioners Healy, Pike, Burke, and O'Brien).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3993; Filed, May 4, 1942; 10:32 a. m.]

[File No. 59-27]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 30th day of April, A. D. 1942.

The Commission having issued, on July 17, 1941, an order instituting proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to International Utilities Corporation, a registered holding company, and directing that at such hearing consideration be given to:

(a) What steps International Utilities Corporation should take to remove the undue and unnecessary complications in its corporate structure;

(b) What further or additional steps International Utilities Corporation should take to insure the fair and equitable distribution of voting power among its security-holders; and

(c) What further action may be required by International Utilities Corporation to effect complete compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935; and

The Commission having given supplemental notice on October 17, 1941 that among additional matters to be considered at the hearing in the aforesaid proceeding were the questions:

(1) Whether complete compliance with section 11 (b) (2) of the Act will permit the continued existence of International Utilities Corporation; and

(2) Whether, if the continued existence of International Utilities Corporation is permissible, complete compliance with section 11 (b) (2) of the Act will permit International Utilities Corporation to have a corporate structure consisting of more than one class of securities; and

The hearing aforesaid having been duly convened on August 6, 1941 and the same having been continued from time to time and on December 15, 1941 having been continued subject to the call of the Trial Examiner; and

The Commission being of the opinion that the record herein should be completed and closed and that the hearing should be reconvened to permit Wendell E. Warner to exercise his privileges of limited participation granted to him by Commission order under date of April 17, 1942, and to the end that International Utilities Corporation and counsel for the Public Utilities Division of the Commission may adduce additional evidence, if such counsel or either of them so desire, with respect to the above-mentioned matters in order that the Commission may determine what action to take with respect thereto;

It is hereby ordered, That the hearing aforesaid be reconvened at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated by the hearing-room clerk at 10:00 a. m., E. W. T., on May 25, 1942, at which hearing the parties aforesaid and any other interested parties will be given an opportunity to be heard with respect to the aforementioned matters.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That notice of such reconvened hearing be and hereby is given to the respondent above-named and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3994; Filed, May 4, 1942; 10:32 a. m.]

[File No. 70-479]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of April, A. D. 1942.

The above-named person having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the declaration and payment by International Utilities Corporation, a registered holding company, out of capital or unearned surplus, of a regular quarterly dividend on May 1, 1942, on its $3.50 Prior Preferred Stock, at the rate of 87½¢ per share on the 98,967 shares of such stock presently outstanding, the aggregate amount of such payment being $86,596.13;

Said declaration having been filed on April 10, 1942, and a certain amendment having been filed thereto on April 25, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named person having requested that said declaration, as amended, become effective on or about April 23, 1942; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective, and being satisfied that the effective date of such declaration, as amended, should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3995; Filed, May 4, 1942; 10:33 a. m.]

[File No. 70-519]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, THE OHIO FUEL GAS COMPANY, AND THE NORTHWESTERN OHIO NATURAL GAS COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of April 1942.

Columbia Gas & Electric Corporation, a registered holding company, and The Ohio Fuel Gas Company and The Northwestern Ohio Natural Gas Company, subsidiaries thereof, having joined in appropriate applications and declaration to this Commission, with amendments thereto, under sections 6 (b), 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935, for approval of the statutory merger of said The Northwestern Ohio Natural Gas Company into said The Ohio Fuel Gas Company, with the latter continuing as the surviving corporation, and transactions incident thereto; and

Columbia Gas & Electric Corporation having filed an application under Instruction 8C of Uniform System of Accounts for Public Utility Holding Companies promulgated under said Act, seeking approval of the proposed record entry of its investment in additional common stock of The Ohio Fuel Gas Company, to be issued as an incident to the said merger; and

Public hearings having been held on said applications and declaration after appropriate notice, and the Commission having examined the record and made and filed its Findings and Opinion based thereon;

It is ordered, That said applications and declaration, as amended, be, and they hereby are, approved and permitted to become effective, subject, however, to the terms and conditions prescribed by Rule U-24:

Provided that jurisdiction is reserved to take such action as may at any time be deemed appropriate with respect to the accounts of The Ohio Fuel Gas Company, the accounting treatment of the aggregate carrying value of the investment of Columbia Gas & Electric Corporation in the securities of The Ohio Fuel Gas Company, or the retainability of the merged properties in the holding company system.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3996; Filed, May 4, 1942; 10:33 a. m.]